

**ATTORNEY GENERAL'S REPORT REGARDING THE JUNE 15, 2019
OFFICER-INVOLVED SHOOTING INCIDENT IN BELMONT, NEW
HAMPSHIRE**

I. INTRODUCTION

New Hampshire Attorney General Gordon J. MacDonald announces the completion of the investigation into the officer-involved shooting that occurred in Belmont, New Hampshire on June 15, 2019, that resulted in the fatal shooting of Michael J. Sheehan, II (age 45). The purpose of this report is to summarize the Attorney General's factual findings and legal conclusions regarding the use of deadly force. The findings and conclusions in this report are based upon information gathered during the investigation, including viewing the scene of the incident as well as photographs of the scene; listening to recorded interviews of witnesses and transmissions made on the night of the shooting; and reviewing official reports generated during the course of the investigation.

As provided in RSA 7:6, the Attorney General is the State's Chief Law Enforcement Officer. The Attorney General has the responsibility to ensure that whenever law enforcement officers use deadly force, it is done in conformity with the law. Following a full investigation of this deadly force incident by the Attorney General's Office and the New Hampshire State Police Major Crime Unit, the Attorney General finds that the use of deadly force by Belmont Police Sergeant Evan Boulanger, Belmont Police Officer Kristopher Kloetz, and Belmont Police Officer Patrick Riley against Michael J. Sheehan, II, on June 15, 2019, was legally justified.

II. SUMMARY OF THE FACTS

On June 14, 2019, Michael J. Sheehan, II, was staying overnight with his girlfriend, Maegan LaDuke, at her home. According to Ms. LaDuke, the two had been dating for about four and a half years, during which time Mr. Sheehan had physically and emotionally abused her. The most recent incident of abuse was on June 12, 2019, when Mr. Sheehan got mad at Ms. LaDuke, put his handgun to her mouth, and told her that if she ever talked back to him again she would “eat the bullet.” Mr. Sheehan had also threatened many times over the years to kill Ms. LaDuke and others, including her children. She described how Mr. Sheehan’s mood could change and that he could be the “nicest person,” but then “the slightest thing would happen” and he would be “your worst nightmare.” Alcohol use often preceded Mr. Sheehan’s abusive actions and threats.

At the time Mr. Sheehan stayed over with her on June 14, 2019, Ms. LaDuke had several firearms in her home, including a two-tone 9mm Taurus Millennium handgun and a CMMG 6.5 Creedmoor semi-automatic rifle. Mr. Sheehan had convinced Ms. LaDuke to buy the 9mm handgun for him, with the understanding that it would be kept locked away at her home. Ms. LaDuke noticed that 9mm handgun was missing about two to three weeks prior to June 15, 2019, and said that it was the same gun Mr. Sheehan had used to threaten her on June 12, 2019.

On Saturday morning, June 15, 2019, Mr. Sheehan left Ms. LaDuke’s home early to go to his parents’ home in Northfield, New Hampshire. Later that day, Ms. LaDuke went to Mr. Sheehan’s parents’ home, and then she and Mr. Sheehan went

out to lunch. After lunch, they briefly stopped at his parents' house before going back to her home. Ms. LaDuke then left for work.

According to his parents, Caroline Dion and Michael Sheehan, Mr. Sheehan was initially in a good mood when he was at their home on June 15, 2019. He helped around the house and then eventually left with a friend. That friend was Schuleen Moulton.

Ms. Moulton had known Mr. Sheehan for about eight years, having met as co-workers. They were romantically involved for a period, but more recently were only friends. Ms. Moulton said that Mr. Sheehan had attempted suicide and been to the New Hampshire Hospital in the past. She described Mr. Sheehan as a "fighter" when he was angry and said he had "a quick temper." However, Ms. Moulton described Mr. Sheehan as "stable" in the weeks preceding the June 15, 2019, incident.

On June 15, 2019, Ms. Moulton said that she went shopping with Mr. Sheehan. She noticed that while he was with her, Mr. Sheehan was wearing a two-tone silver handgun in a holster on his right hip. Mr. Sheehan drank two beers, was texting with someone, and appeared aggravated while he was with Ms. Moulton. After their shopping trip, Ms. Moulton dropped Mr. Sheehan off at his parents' home in Northfield.

After he got home, Mr. Sheehan became mad when he could not find a dog toy he had purchased for his sister's, Vanessa Day's, dog. After that, Mr. Sheehan left for his sister's home.

After dropping off Mr. Sheehan, Ms. Moulton realized that Mr. Sheehan had left behind the bag with the gifts he had purchased. She returned to Mr. Sheehan's parents' residence, and when no one answered her knock on the door, she hung the bag on the doorknob and left. Later Ms. Moulton received some texts from Mr. Sheehan, of no import. At approximately 7:30 p.m. though, Mr. Sheehan called Ms. Moulton and told her, "I have to go deal with this bullshit." She did not know what he was referring to and did not hear from him again. What Mr. Sheehan was likely referring to in his call with Ms. Moulton was his frustration and anger with his parents and sister.

After Ms. Moulton dropped off Mr. Sheehan, he went to visit his sister, Vanessa Day, in Belmont. Along the way, his mother called Ms. Day, warned her about her brother, and said that he was on a "tangent." Mr. Sheehan had bought a toy for Ms. Day's puppy, but could not find it and was mad. Mr. Sheehan then called Ms. Day talking very fast. Ms. Day resolved to try to calm things down. She said that Mr. Sheehan had strangled her and put a gun to her head before. She described Mr. Sheehan as a "loose cannon," and someone she did not want to be alone with.

When Mr. Sheehan arrived at Ms. Day's home her friend, Ed Robinson, was there and things initially went well. At some point, Ms. Day noticed that Mr. Sheehan was wearing a gun on his right side. Mr. Sheehan had also been drinking and was drunk, but was in a great mood. According to Ms. Day, he had two or three beers at Ms. Day's house and everything went well until Ms. Day and Mr. Sheehan started arguing outside in the back yard about politics. Ms. Day tried to diffuse the situation, but Mr. Sheehan would not let it go. Mr. Sheehan grabbed Ms. Day by the

throat, hit her, and threw her to the ground. Mr. Robinson got between them and told Mr. Sheehan he needed to go home. Mr. Sheehan did not leave and instead, pulled out his gun, put it to Ms. Day's head, and said he would kill her/shoot her. Mr. Robinson intervened again. Mr. Sheehan insulted Ms. Day repeatedly, and according to her, they both said "horrible, horrible things" to each other. After that, Ms. Day went inside and Mr. Sheehan paced around outside before Mr. Robinson was finally able to convince Mr. Sheehan to leave. Before he left, Mr. Sheehan said that he would be back and "this was not the end of it."

After Mr. Sheehan left his sister's home, he drove to his parents' home in Northfield. Along the way, he called his mother, Ms. Dion. She said that Mr. Sheehan was "spewing all kinds of violent talk" and was out of control on the phone. She described him as "beyond agitated" and said he was "angry, angry." Ms. Dion's husband Michael "had a feeling" and was so concerned he called 911 at about 9:16 p.m., because Mr. Sheehan was out of control.

A short time later, Mr. Sheehan arrived at his parents' home. After arriving home, he fired off one shot from his gun outside. Ms. Dion said that she took that as an announcement from Mr. Sheehan that he was "coming," or "I have arrived." Ms. Dion said that after Mr. Sheehan entered the house he was mad at her. Mr. Sheehan was mad because he could not find a toy that he had purchased for his sister's dog "and it [he] just exploded." He was "really, really upset."

Mr. Sheehan took the magazine out of his gun and slammed it down on a table, causing bullets to fall out onto the floor. Mr. Sheehan said to Ms. Dion, "don't piss me off," and yelled and screamed at her. He also took the gun and pointed it at

her head, something he had done before. Eventually Ms. Dion found the dog toy and notified Mr. Sheehan. However, by then, she said, “he was just so pissed.”

At about 9:19 p.m., Northfield Police Officers Kyle Dombrowski and Christopher Gustafson arrived at the Dion/Sheehan home in response to Michael’s 911 call. Prior to their arrival, Michael had told dispatch that Mr. Sheehan “was on a rampage,” and was screaming at his mother, and Michael heard what he thought was a gun going off.

When the two officers arrived at the Dion/Sheehan residence, Mr. Sheehan, his parents and a dog, met them. Mr. Sheehan “immediately” told the dog to attack the officers, but it did not. Michael said that once the police officers arrived, he told them that Mr. Sheehan had fired off his gun. Officer Dombrowski directed Mr. Sheehan’s parents to go inside the house and take the dog with them, which they did.

The Northfield Police Officers stayed at the residence until about 10:00 p.m., talking with Mr. Sheehan, trying to calm him. Officer Gustafson said that he was familiar with Mr. Sheehan from past interactions with him. During his time with the officers, Mr. Sheehan used “violent language,” talked about his military training, and stated that he did not need weapons to kill someone. Mr. Sheehan also repeatedly told the officers to take out their guns and “end his nightmare.” Officer Gustafson told him that they could not do that and asked Mr. Sheehan if he wanted to go to the hospital. Mr. Sheehan declined and said that the officers would have to take him instead. During this exchange, Ms. Dion came outside and said that Mr. Sheehan might have a gun and that he “could have stashed it somewhere.” Officer

Dombrowski told her to go back inside the house. He noted that he did not see any weapon on Mr. Sheehan's "person or in the area."

During his time with the officers, Mr. Sheehan's mood and emotions fluctuated. He was very emotional at points, even crying. Sometimes, he was also verbally abusive and insulting to the officers. On one occasion, Mr. Sheehan threatened Officer Dombrowski, saying he would kick his "ass." Mr. Sheehan told the officers that his mother was dying and did not have long to live. He also made threatening comments to the officers and made multiple insulting and threatening comments about his sister. Mr. Sheehan said, "his sister deserves to die." Officer Gustafson told Mr. Sheehan "he will not do that" and asked Mr. Sheehan again about going to the hospital. Mr. Sheehan continued to make threatening comments about his sister. Ms. Dion came outside again, at which point Mr. Sheehan directed his anger at her, telling her that she "needed to die because she was enabling his sister." Mr. Sheehan continued to insult his sister. Officer Dombrowski told Ms. Dion to go back inside the house. Officer Gustafson asked Mr. Sheehan if he really wanted to kill his sister and he said he did not.

On a few occasions, Officer Gustafson put his hands on Mr. Sheehan to push him away/back from him. Eventually, Mr. Sheehan calmed down, hugged, and apologized to Officer Gustafson. After that, the officers left to go to another call. Later, Mr. Sheehan called one of the officers because he had his number and "jokingly" asked if he wanted help. The officer told Mr. Sheehan they were fine and their contact ended.

After the police left, Mr. Sheehan talked to his parents as if he was working with the police and then left to see his sister.¹ Ms. Dion could see that he was wearing a gun on his right side when he left. After that, Ms. Dion communicated by phone with both Mr. Sheehan and her daughter, Ms. Day. Ms. Dion described Mr. Sheehan on the phone as “spewing.” Mr. Sheehan told Ms. Dion that he had “had it,” no one grabbed his neck, that his sister was “all done,” “as is the puppy,” and Kevin.² Ms. Day said that her mother told her that she called the police on Mr. Sheehan because he had put the gun to Ms. Dion’s head again.

At 10:14 p.m., Mr. Sheehan sent a text message to Ms. Day, saying, “You shouldn’t have fucked with me. Your [sic] done.” Ms. Day texted her mother, Ms. Dion, at 10:21 p.m., and told her, “Well apparently hes [sic] coming here to kill me. Tell my girls I love them.” Ms. Dion texted Ms. Day back at 10:24 p.m., and said, “You seriously need to go to a hotel. The cops think they talked him down...not please please take me seriously.” A minute later at 10:25 p.m., Ms. Day called the police regarding the threats from Mr. Sheehan. At 10:27 p.m., Ms. Dion told Ms. Day that Mr. Sheehan had put a gun to her (Ms. Dion’s) head, but she stood her ground and “told him if that made him feel like a man then to shoot away.”

Shortly thereafter, Belmont Police Chief Mark Lewandowski, Belmont Sergeant Evan Boulanger, and Belmont Police Officer Josh Landry responded to Ms. Day’s home and spoke with her and her boyfriend. Ms. Day had been drinking and was distraught and visibly shaken. She recounted how Mr. Sheehan had hit and

¹ The Belknap County Sheriff’s Office, Belmont Police Department and the Northfield Police Department confirmed that Mr. Sheehan was not a confidential informant on any of their cases.

² Kevin is Vanessa Day’s ex-husband.

strangled her, and then held a gun to her head and threatened to shoot/kill her. The police put out a BOLO (be on the lookout) for Mr. Sheehan, asking that he be stopped in connection with a felony criminal threatening charge. The BOLO included a warning to use caution because Mr. Sheehan had a firearm.

While the police were at Ms. Day's home in Belmont, Mr. Sheehan texted with his girlfriend, Maegan LaDuke. At 10:39 p.m., he told her that he was at her home in Franklin and that his sister was "going to die tonight." Mr. Sheehan sent Ms. LaDuke more text messages, which contained numerous expressions of anger directed at his sister and threats to kill his sister and others. For example, Mr. Sheehan said, "The police just left. My whore sister is going to die tonight. I'm getting the 6.5 (a rifle) now. No cunt puts thier [sic] hands on me an lives." Mr. Sheehan also texted Ms. LaDuke that he was "loading my gun and I'm going to go kill everything in the Belmont house. Everything and everyone dies in that house tonight." After more back and forth, Mr. Sheehan said, "I'm at your house getting my weapon ready for the purpose is was designed for. Death. Sorry hun. But this is me. This is what I do. I'm going to kill my sister and anyone else who gets in my way." After more exchanges, Mr. Sheehan said, "Don't worry. I'll be gone soon and I'll take everyone that doesn't deserve to live with me straight to hell."

At 11:11 p.m., Belmont dispatch noted in their log that they had received information from Belmont Police Officer Kristopher Kloetz that the Northfield Police Department had dealt with Mr. Sheehan earlier that day when he fired off a weapon at his residence "and mentioned suicide by cop."

Mr. Sheehan called his mother, Ms. Dion, who then texted Ms. Day that she was on the phone with him. At 11:25 p.m., Ms. Dion texted Ms. Day and told her that, “He is on the phone right now spewing hatred and bull shit.” Ms. Dion also warned Ms. Day that Mr. Sheehan had told her that he was on his way to Ms. Day’s house and was then going to her ex-husband’s house. She cautioned Ms. Day to stay away from the windows and warn the cops that Mr. Sheehan was on his way to “do all four” of them in. At one point, it appeared to Ms. Dion that Mr. Sheehan had arrived at his sister’s home and seen the police outside. That prompted Mr. Sheehan to accuse Ms. Dion of calling the police on him. He then told her that he was on his way home.

Belmont Police Officer Patrick Riley was on duty on June 15, 2019. He had learned that there was a BOLO out for Mr. Sheehan, and that it was related to a criminal threatening incident. Officer Riley had also learned that a firearm was involved, officers were to use caution, and that the female involved had received a message that Mr. Sheehan was on his way to her house to kill her.

At 11:37 p.m., Officer Riley was on his way back to the Belmont Police Department because he had been asked to try to locate Mr. Sheehan by pinging his cell phone.³ Along the way, Officer Riley spotted Mr. Sheehan’s car on Route 140, driving toward him. Officer Riley notified dispatch and the two cars passed each other. Officer Riley then turned around and followed Mr. Sheehan. Officer Riley did not have his cruiser’s emergency lights or siren on as he followed Mr. Sheehan. A

³ “Pinging” a cell phone is a process by which the service provider can use cell site location information to attempt to get a precise location for a cell phone. Officer Riley had attended a class on geolocating cell phones.

short time later, Belmont Police Officer Kristopher Kloetz fell in behind Officer Riley and the two followed Mr. Sheehan as he turned off Route 140 and onto South Road.

Earlier that night, Officer Kloetz had heard Belmont Police Sergeant Evan Boulanger and Belmont Police Officer Josh Landry respond to a criminal threatening call that also potentially involved a second-degree assault. Subsequently, he heard a BOLO go out for Mr. Sheehan and learned that he had been involved in a prior incident in Northfield that day where he may have fired a shot from a gun. Officer Kloetz also learned that Mr. Sheehan had threatened to kill his sister and said he wanted to die by suicide by cop. Officer Kloetz had been out looking for Mr. Sheehan when he heard Officer Riley announce he had passed him. Officer Kloetz then drove to where Mr. Sheehan and Officer Riley were and fell in behind Officer Riley and Mr. Sheehan.

Mr. Sheehan turned onto South Road in Belmont with Officers Riley and Kloetz behind him. Mr. Sheehan's mother, Ms. Dion, would later tell investigators that at some point Mr. Sheehan called her and said that he thought he had a "cop behind him." Ms. Dion told him to drive slowly and he said that he was going to pull off and let the officer go by.

As Officer Riley, Officer Kloetz, and Mr. Sheehan drove down South Road, Belmont Police Sergeant Evan Boulanger drove to South Road to assist the other officers. Sergeant Boulanger had been one of the police officers who had responded earlier that night to Ms. Day's home where he learned that Mr. Sheehan had grabbed her by the throat, thrown her to the ground, put a gun to her head, and said he was going to kill her. A BOLO was subsequently issued to stop and arrest Mr. Sheehan

for domestic violence, and possible reckless conduct and criminal threatening. After that BOLO went out, Sergeant Boulanger received a text from Belmont Police Officer Kristopher Kloetz. Officer Kloetz told him that he had learned that the Northfield Police Department had dealt with Mr. Sheehan earlier that day involving an incident where Mr. Sheehan apparently fired off the gun in the house, “flipped out” on the residents, scared his parents, and “made statements that he’s going out suicide by cop.” Sergeant Boulanger was familiar with Mr. Sheehan, having arrested him in the past for a DWI. He was also aware that the police department had possession of some of Mr. Sheehan’s guns that had been taken in regards to an IEA (involuntary emergency admission) issue.⁴ Sergeant Boulanger also knew that Mr. Sheehan had been trying to get those guns returned to him and that request had been denied.

While Sergeant Boulanger was out looking for Mr. Sheehan, an officer radioed that Ms. Day had received a text message from Mr. Sheehan stating he was coming back to the house to kill her. Sergeant Boulanger then asked Belmont Police Officer Patrick Riley to go to the police station to try to locate Mr. Sheehan’s location by pinging his cell phone. A short time later, Officer Riley reported seeing Mr. Sheehan’s vehicle on Route 140 heading toward Tilton. Sergeant Boulanger headed in that direction. Belmont Police Chief Lewandowski radioed that Officer Riley was to “back off” and wait for more police officers. Sergeant Boulanger understood that

⁴ An IEA typically involves a situation where someone seeks to involuntarily admit a person suffering from apparent mental health issues to a hospital or facility for an evaluation and potential treatment and committal.

the intent was to wait for more police officers so that a “felony stop” could be used with Mr. Sheehan.⁵

As Sergeant Boulanger made his way to South Road, he heard Officer Kloetz announce that he was behind Officer Riley. At 11:38 p.m., dispatch reported that Mr. Sheehan had taken a left turn onto South Road. After that, Officer Riley announced that Mr. Sheehan was pulling over. Sergeant Boulanger drove down South Road and arrived at the location where Officers Riley and Kloetz were out of their cruisers, which were stopped in the road at the driveway to 98 South Road.

Officers Riley and Kloetz had stopped their police cruisers in the travel lane of the road. Their cruisers’ emergency lights were on, but not their sirens. The closest police cruiser was about fifty feet from the back of Mr. Sheehan’s vehicle. The two officers had their headlights and cruisers’ spotlights directed at Mr. Sheehan’s vehicle, which made it easy to see Mr. Sheehan’s vehicle. Officers Riley and Kloetz got out of their cruisers and each armed themselves with a .223 (5.56) caliber semi-automatic rifle. The two officers then stood in the doorway of their driver’s doors and aimed their rifles at Mr. Sheehan’s vehicle.

Officer Kloetz loudly told Mr. Sheehan to step out of his vehicle. Officer Riley saw Mr. Sheehan put his hands out of the driver’s window and then pull them back in, and then put them back out. Officer Riley yelled at Mr. Sheehan to get out of his vehicle. Mr. Sheehan opened his vehicle’s door and said, “I’m on the phone with

⁵ A “felony stop” generally involves a potentially high-risk traffic stop by police officers, where the suspect is a potential danger and officers attempt to strictly control the situation through the display of weapons and commands.

my Mom.”⁶ Officer Kloetz told Mr. Sheehan to get out of his vehicle and walk backwards. Officer Riley likewise gave very loud commands to Mr. Sheehan to back up to them. Instead, Mr. Sheehan got out and knelt down in the doorway of his vehicle on his knees, facing away from the officers.⁷ At around this time, Sergeant Boulanger arrived, parked his cruiser behind the other two cruisers, got out, and stood in an exposed location near the passenger side front door of Officer Riley’s cruiser.⁸ Sergeant Boulanger said that the area was well lit and he had good visibility of the area and Mr. Sheehan. Sergeant Boulanger could see that Mr. Sheehan’s vehicle door was open and he was down on his knees outside the vehicle within the doorway area, facing away from the officers with his hands either behind his head or up in the air. Sergeant Boulanger had his department issued 9mm handgun aimed at Mr. Sheehan.

Once Mr. Sheehan got out of his vehicle and knelt down, the officers noticed that he was wearing a handgun on his right hip. Officer Kloetz notified dispatch that Mr. Sheehan had “a weapon,” and told Mr. Sheehan to walk backwards to them and keep his hands up. Instead, about a second or two later, Mr. Sheehan quickly took the gun from the holster on his hip, put it under his chin and turned around to face the officers. All the officers began loudly yelling, “Drop the gun, drop the gun, drop the gun!” Mr. Sheehan yelled “something” at the officers. Sergeant Boulanger could not understand what Mr. Sheehan said. At that point, Sergeant Boulanger said that Mr.

⁶ Mr. Sheehan’s mother, Caroline Dion, told the investigators that she was on the phone with Mr. Sheehan and that he said, “Holy shit, there’s a lot of cops.” Ms. Dion said, “Please, please,” to him and Mr. Sheehan responded, “Mom, don’t worry.” She heard Mr. Sheehan’s voice “break” from “macho” to tears. Ms. Dion also reported hearing “all the cops screaming get on the ground, get on the ground!”

⁷ At that point, Mr. Sheehan was about 60 feet from the officers.

⁸ Sergeant Boulanger was in an exposed position with no cover since unlike Officers Riley and Kloetz, he was not positioned behind anything that might provide some protection in the event Mr. Sheehan fired his gun at him.

Sheehan began a “brisk walk” toward the officers, closing the gap between them in an “aggressive” fashion. Sergeant Boulanger and the other officers continued to shout commands at Mr. Sheehan, telling him to stop and drop the gun.

As Mr. Sheehan continued to advance on the officers, his path did not deviate. Instead, he continued moving toward them, holding his gun under his chin, despite the officers’ repeated, loud commands to stop and drop the gun. Mr. Sheehan continued to advance and got to within about twenty-five feet from the closest police cruiser, having made it just over halfway from where he started to the cruiser. Mr. Sheehan still had the gun under his chin, and had not stopped, dropped the gun, or shown any signs of doing either. At that point, all three officers felt they were in danger of being shot by Mr. Sheehan, and began firing at him. Mr. Sheehan dropped to the ground and Sergeant Boulanger notified dispatch that shots had been fired and the suspect was “down.” Sergeant Boulanger also requested an ambulance and then he and Officer Riley checked Mr. Sheehan’s vehicle to make sure no one else was inside. Upon doing so, they noticed a rifle in the vehicle. Officer Kloetz also saw that Mr. Sheehan’s gun was on the ground near him and tossed it away, out of reach. Officer Kloetz retrieved his medical bag from his cruiser and went to try to provide aid to Mr. Sheehan. It was quickly determined that Mr. Sheehan was deceased.

After the incident, the New Hampshire Attorney General’s Office and the New Hampshire State Police were notified. The investigation into the incident began that night.

III. THE INVESTIGATION

There were no police-issued video or audio recording devices that recorded any of the incident. Belmont police officers do not wear body cameras, and Belmont police vehicles are not equipped with cameras. There are no known video or audio recordings of the incident taken by private citizens. Although investigators conducted a canvas of the residences in the immediate vicinity of the shooting scene, no one reported seeing any of the events leading up to and including the shooting or hearing anything other than gunshots.⁹

A. Witness Accounts

1. Maegan LaDuke

State Police Detectives interviewed Maegan LaDuke on June 17, 2019.

Ms. LaDuke told investigators that she met Mr. Sheehan about four-and-a-half years prior and began a relationship with him. The two lived together for a time until “things got really bad,” and then the two lived apart. Mr. Sheehan had been talking about moving back in together, but they were not living together as of June 15, 2019. Instead, Mr. Sheehan was living with his parents in Northfield.

Ms. LaDuke described her relationship with Mr. Sheehan as, “a lot of physical abuse” and “emotional abuse.” She gave examples, including that Mr. Sheehan threatened many times over the years to kill her, her children, her brother, and her parents, held knives to her throat, threatened her and others with a gun, and smashed her face on a coffee machine. Ms. LaDuke was so concerned that in 2018 she moved

⁹ The people living at 98 South Road reported hearing gunshots outside their home. They did not see the shooting itself.

her young daughter out of the house to keep her safe after Mr. Sheehan got mad at her daughter and pointed his gun at her daughter.

Ms. LaDuke said that Mr. Sheehan could be the nicest person, but then “the slightest thing would happen” and he would be “your worst nightmare.” Mr. Sheehan “joked” about having a “hit list,” with names on it that included his sister, his ex-wife, his mother, his father, Ms. LaDuke and her children, and Ms. LaDuke’s ex-husband and his wife.¹⁰ Ms. LaDuke said that alcohol use by Mr. Sheehan usually preceded those events, and that if Mr. Sheehan drank “hard stuff” he “went instant homicidal.” Ms. LaDuke would sometimes call Mr. Sheehan’s mother to come get him when he was drinking to allow him time to sober up. Ms. LaDuke said that Mr. Sheehan’s mother was given a terminal diagnosis several months ago and since then, Mr. Sheehan had been focusing on his mother, but has also been drunk all the time.¹¹

As far as firearms, Ms. LaDuke said that she had several firearms in her home and that Mr. Sheehan had his own firearms. One firearm she owned was a 6.5 Creedmoor semi-automatic rifle with a scope on it. She said that Mr. Sheehan went to her home on June 15, 2019, and stole that rifle.¹²

Ms. LaDuke also bought a 9mm handgun in 2017. After she did, Mr. Sheehan told her that she needed to buy him one too using his money, and threatened her if she

¹⁰ Ms. LaDuke said that Mr. Sheehan’s mother said that on June 15, 2019, Mr. Sheehan had told her about the “hit list,” but did not say who was on it.

¹¹ Ms. LaDuke said that Mr. Sheehan had been prescribed medication about two years ago for PTSD, but drank instead of taking his medications. Mr. Sheehan also stopped seeing his counselor. Ms. LaDuke also stated that Mr. Sheehan claimed to have had had terrible experiences in the military and suffered the loss of a relative that led to his PTSD. However, Ms. LaDuke said that Mr. Sheehan lied so much she did not know what to believe.

¹² This is the same rifle that police later found in Mr. Sheehan’s car after the June 15, 2019 incident.

did not.¹³ Ms. LaDuke bought the gun for Mr. Sheehan as directed, a silver and black colored Taurus Millennium 9mm handgun, with the understanding that it would stay at her house, locked up. The gun stayed there until she noticed it was missing about two to three weeks prior to the June 15, 2019, incident. Mr. Sheehan confirmed to her that he had the gun.

Ms. LaDuke saw Mr. Sheehan with his 9mm handgun on June 12, 2019. That night, Mr. Sheehan got mad at Ms. LaDuke over a trivial matter. When Ms. LaDuke tried to explain herself, Mr. Sheehan said that she was disrespectful and that no woman could disrespect him like that. Mr. Sheehan put his gun to her mouth and told her that if she ever talked back to him again, she would “eat the bullet.”

Two days later, on Friday, June 14, 2019, Mr. Sheehan stayed over with Ms. LaDuke. The next day on Saturday, June 15, 2019, Mr. Sheehan left early to go to his parents’ home. Later that day, Ms. LaDuke went to Mr. Sheehan’s parents’ home and then she and Mr. Sheehan went out to lunch. After lunch, they briefly stopped at his parents’ house before going to her home. Ms. LaDuke then left for work.

While at work, Ms. LaDuke tried to reach Mr. Sheehan by phone and text, with no success. Eventually, Mr. Sheehan responded to her texts, telling her that he planned to kill his sister. Ms. LaDuke said she could tell by his texts that Mr. Sheehan was “well past being talked down.” Ms. LaDuke allowed the investigators to view her cell phone and the text messages between her and Mr. Sheehan on June 15, 2019. The text messages reflect a series of exchanges between Ms. LaDuke and

¹³ Ms. LaDuke said that Mr. Sheehan threatened to tell the police that she paid for the gun and bought it for him, not her, i.e., a “straw purchase.”

Mr. Sheehan that began at 10:34 p.m. and ended at 11:29 p.m. Those text messages show that Mr. Sheehan was angry at his sister and threatening to kill her, her children, and others with the rifle that was eventually found in his vehicle after the shooting incident later that night. Some of those text messages read as follows:

Ms. LaDuke: Wow guess you have been really busy tonight.¹⁴

Mr. Sheehan: Actually I have been. The police just left. My whore sister is going to die tonight. I'm getting the 6.5 (a rifle) now. No c**t puts thier [sic] hands on me an lives.

Ms. LaDuke: What the f**k happened?

Mr. Sheehan: She's still breathing

She's going to die tonight along with her two useless kids

Ms. LaDuke: What did she say and do you?

Mr. Sheehan: The police know what I'm about to do and it's ok

She thinks a c**t is better than me! No f**king female is going to put their slimy hands on me and live to talk about it

I'm loading my gun and I'm going to go kill everything in the Belmont house

Everything and everyone dies in that house tonight

Mr. Sheehan: I'm at your house getting my weapon ready for the purpose it was designed for. Death. Sorry hun. But this is me. This is what I do. I'm going to kill my sister and anyone else who gets in my way

¹⁴ Ms. LaDuke said this because she had not heard from Mr. Sheehan for a while that night.

Mr. Sheehan: I'm done with whores that think they can put their hands on someone like me and think they deserve to live. My c**t whore sister is going to die. Sorry you can't understand. But then again your [sic] petty

Ms. LaDuke: Just take the rifle and leave and leave both my keys when you leave

Mr. Sheehan: Don't worry. I'll be gone soon and I'll take everyone that doesn't deserve to live with me straight to hell.

Goodbye.

Ms. LaDuke: Goodbye

Mr. Sheehan: Thought as much. Spinless [sic] as always good luck With your life. Don't text me again

When she got home that night, Ms. LaDuke realized that Mr. Sheehan had turned on the burner on her gas stove and left it on without lighting the burner. That was concerning to her since she is a smoker and her son was in bed sleeping.

Later that night, Ms. LaDuke learned from Ms. Dion details about Mr. Sheehan being shot. Ms. Dion told Ms. LaDuke that Mr. Sheehan had been on his way home and she had talked him down. She that she could hear the police yelling, "get down on the ground," while Mr. Sheehan was saying that he just wanted to talk to his mother. Next, Ms. Dion said she heard a gunshot.

Ms. LaDuke told investigators about Mr. Sheehan's mental health issues. She said that Mr. Sheehan told her that he had been working undercover with the Belknap County Sheriff's Office to make drug deals with drug dealers to help the police, but she did not believe that claim. Ms. LaDuke also said that Mr. Sheehan had tried to kill himself at least twice before, but had not been successful. He had threatened suicide in the past and had been involuntarily admitted to the State Hospital. Mr.

Sheehan told Ms. LaDuke a few times before that “the one way he was going to die” was to have the gun on him when the police pulled him over “because he couldn’t shoot himself.”

2. Caroline Dion and Michael Sheehan

State Police Detectives interviewed Michael J. Sheehan, II’s parents, Caroline Dion and Michael Sheehan on June 16, 2019. They live in Northfield, which is where their son Michael Sheehan, II, lived with them. Mr. Sheehan (Michael J. Sheehan, II) worked in construction.

On June 15, 2019, Mr. Sheehan arrived at home at about 7:00 a.m., after having spent the night at his girlfriend’s home. Mr. Sheehan helped around the house and everything was “perfect” at first. Later, Ms. Dion and Michael left for a few hours, as did Mr. Sheehan, who went with a friend.

After Ms. Dion and Michael arrived home, Ms. Dion got a call from Mr. Sheehan. She said that Mr. Sheehan was “spewing all kinds of violent talk” and was out of control on the phone.¹⁵ He was “beyond agitated” and was “angry, angry.” Michael “had a feeling” and was concerned and called 911 because Mr. Sheehan was out of control.

Mr. Sheehan returned home after Michael’s call to 911, but before the police arrived. Once he got home, Mr. Sheehan fired off one shot outside from his gun. Ms. Dion said that she took that as an announcement from Mr. Sheehan that he was “coming,” or “I have arrived.” Ms. Dion said that when Mr. Sheehan entered the house he was mad at her because he could not find a toy that had been purchased for

¹⁵ This call was made after Mr. Sheehan assaulted and threatened his sister and had left her home.

his sister's dog "and it [he] just exploded." Ms. Dion said that he was "really, really upset" and she thought that he had been drinking alcohol, given his significant change in mood.

Mr. Sheehan took the magazine out of his gun and slammed it down, causing bullets to fall out onto the floor. Mr. Sheehan said to Ms. Dion, "don't piss me off," and yelled and screamed at her. He also took the gun and pointed it at her head, something he had done before. Eventually Ms. Dion found the missing dog toy and notified Mr. Sheehan. However, by then, she said, "he was just so pissed."

Subsequently, Northfield Police Officers arrived in response to Michael's 911 call. After they arrived, Michael told the police that Mr. Sheehan had fired off his gun. The police spoke with Mr. Sheehan, who appeared to calm down and then the officers left. After the police left, Mr. Sheehan talked as if he was working with the police and then left to see his sister.¹⁶ He was wearing a gun on his right side at the time. After Mr. Sheehan left, Ms. Dion communicated with him by phone as well as and her daughter, Vanessa Day.¹⁷ Ms. Dion described Mr. Sheehan on the phone as "spewing." She said that she did not know what happened at her daughter's house and got two versions from Mr. Sheehan and her daughter Vanessa Day. Each claimed the other had been the attacker. Ms. Dion said that the two "butt heads," and gave some background on their relationship. Ms. Dion explained that Mr. Sheehan did not

¹⁶ The Belknap County Sheriff's Office, the Belmont Police Department and the Northfield Police Department confirmed that Mr. Sheehan was not a confidential informant on any of their cases.

¹⁷ Ms. Dion provided text messages between herself and Ms. Day.

like his sister and complained about her. He also expressed jealousy toward his sister and said that everyone would probably be better off if “it was just Vanessa.”

Ms. Dion heard from Mr. Sheehan again later that night. At one point, it appeared to her that he had arrived at his sister’s home and seen the police outside. That prompted Mr. Sheehan to accuse his mother of calling the police on him. He then told his mother that he was on his way home. At some point along the way he told her that he thought he had a “cop behind him.” Ms. Dion told him to drive slowly and he said that he was going to pull off and let the officer go by. Mr. Sheehan then said, “Holy shit, there’s a lot of cops.” Ms. Dion said, “Please, please,” to him and Mr. Sheehan responded, “Mom, don’t worry.” She heard Mr. Sheehan’s voice “break” from “macho” to tears. Ms. Dion said she could hear “all the cops screaming get on the ground, get on the ground!” Next, she heard Mr. Sheehan say, “I’m on the phone to my Mom, I’m talking to my Mom.” He kept saying that repeatedly and then she heard a shot, and she hung up. After that, she and her husband left to go to where they thought Mr. Sheehan was located.

Ms. Dion and Michael provided the investigators with background about Mr. Sheehan, including his many positive qualities. They also provided information about Mr. Sheehan’s mental health issues. Ms. Dion and Michael said that Mr. Sheehan had many mental health issues, including Bipolar Disorder and PTSD, but he refused to get help. Ms. Dion also said that Mr. Sheehan mentioned hearing voices. Michael said that Mr. Sheehan had been physical with him one time in the distant past and had taken things out on him. Ms. Dion and Michael said that Mr. Sheehan would have “grandiose ideas,” which was “part of his Bipolar,” making it difficult to tell when he

was telling the truth. Ms. Dion did not know what “set him off” on June 15, 2019, but explained that Mr. Sheehan had difficulty with anger and controlling himself since his “mid 20s.”

State Police Detectives interviewed Michael J. Sheehan, II’s parents, Caroline Dion and Michael Sheehan a second time, on June 27, 2019. Ms. Dion expanded on Mr. Sheehan’s mental health history, and said that Mr. Sheehan had Bipolar disorder and PTSD in his mid-20s. She told the investigators that Mr. Sheehan checked himself into the State Hospital twice. Ms. Dion said, “When Mikey didn’t have the demons in his head, he was perfect.” Other times, he would have “his episodes” and could “verbally destroy anyone.” Ms. Dion claimed that Mr. Sheehan was not “a fighter,” and “was a verbal destroyer.”

Ms. Dion said that the days before June 15, 2019, were “perfect.” There were no issues with Mr. Sheehan and family who were visiting, including children. She then recounted the events of June 15, 2019, as she had in her earlier interview. Mr. Sheehan had been at his parents’ home in the early part of the day, left, and then returned home. After he got home, he became mad when he could not find a dog toy he had purchased for his sister, Vanessa Day’s dog. Ms. Dion eventually located the toy and gave it to Mr. Sheehan. After that, Mr. Sheehan left for Ms. Day’s home.

After Mr. Sheehan left, Ms. Dion said that Mr. Sheehan got into a fight with his sister. Mr. Sheehan called Ms. Dion and was mad, and said that he had “had it” with his sister. Mr. Sheehan said he hated his sister and “called her everything.” Ms. Dion said that she was used to that from Mr. Sheehan and that he needed to “get it all out.” Mr. Sheehan then told his mother he was on his way home. Michael was very

“nervous” because Mr. Sheehan was so angry; he had never heard Mr. Sheehan like that before. As a result, Michael called the Northfield police and he told them he had heard a gunshot.

Mr. Sheehan arrived home after the fight with his sister and Ms. Dion said that there was a gunshot and she was sure it was “Mikey.” When Mr. Sheehan came into the house, he started verbally going at Ms. Dion, complaining about his sister. Mr. Sheehan said that he was going to go to his sister’s home, and said, “I’m pissed and this is it.”

Northfield police officers arrived, including Officer Gustafson, who Mr. Sheehan considered a good friend. At first, Mr. Sheehan was argumentative with the officers. Ms. Dion went outside to check on things and one of the officers told her to go back inside. She subsequently went back outside when she saw the officers laughing and talking with Mr. Sheehan. The officers told her everything was fine and Mr. Sheehan hugged his mother, said he loved her, and said she was his best friend. After that, Ms. Dion went back into the house. She said that Mr. Sheehan could be a “sweet talker” and thought at the time that Mr. Sheehan “was still not all right because he still hasn’t got that anger out.” Despite that, she said that she “let it go.”

Some more time passed with Mr. Sheehan outside with the officers and then all of a sudden they left and Mr. Sheehan came inside. Ms. Dion asked what was going on and Mr. Sheehan said there was going to be a “big bust” and that he had to go. Ms. Dion said that Mr. Sheehan claimed he was a confidential informant, but knew that Mr. Sheehan had “grandiose thoughts.” Mr. Sheehan then went up to his room and left his parents’ house. Earlier before leaving, Mr. Sheehan had slammed

his gun's magazine on the table, scattering bullets in the process. He had also pointed the gun to Ms. Dion's head and said, "just say the word." She told him to do what he had to do, and he put the gun down. Ms. Dion said that she was not afraid when Mr. Sheehan put the gun to her head and that he had done that once before.¹⁸ When Mr. Sheehan left, he had that gun in his holster. Ms. Dion said that she did not know that Mr. Sheehan was allowed to carry a gun.

After Mr. Sheehan left, he was on his phone with his mother and mad at his sister. Mr. Sheehan said that he had "had it," no one grabbed his neck, that his sister was "all done," "as is the puppy," and Kevin.¹⁹ Ms. Dion warned her daughter about Mr. Sheehan, which is reflected in the text messages between Ms. Dion and Ms. Day. Ms. Dion said that Mr. Sheehan told her that when he got to his sister's house, there were police cars there and officers with rifles, so he decided to return home.

On his way home, Mr. Sheehan was on the phone with his mother and told her that there were police behind him and he was going to pull over. Next, Mr. Sheehan said there were "all kinds of cops," and Ms. Dion could hear Mr. Sheehan saying that he was talking to his mother. Ms. Dion heard many men screaming, "On the ground! On the ground!" Next, she heard the gunshot and hung up the phone.

3. Vanessa Day and Ed Robinson

State Police Detectives interviewed Vanessa Day and Ed Robinson on June 16, 2019. Ms. Day is Michael J. Sheehan, II's, sister and Mr. Robinson is Ms. Day's friend.

¹⁸ Ms. Dion did not tell the Northfield Police Officers who arrived that night that Mr. Sheehan had put a gun to her head and had done it before.

¹⁹ Kevin is Vanessa Day's ex-husband.

Ms. Day was home on June 15, 2019, when her mother called and warned her about her brother and said that he was on a “tangent.” Mr. Sheehan had bought a toy for Ms. Day’s puppy, but could not find it and was mad. Mr. Sheehan then called Ms. Day and was “going a hundred miles an hour,” i.e., talking very fast. Ms. Day resolved to try to calm things down. She said that Mr. Sheehan had strangled her and put a gun to her head before, and she described Mr. Sheehan as a “loose cannon,” and someone she did not want to be alone with.

When Mr. Sheehan arrived at Ms. Day’s home, things initially went well. At some point, Ms. Day noticed that he was wearing a gun on his right side. Mr. Sheehan had also been drinking and was drunk, but was in a great mood. He had two or three beers at Ms. Day’s house. Everything went well until Ms. Day and Mr. Sheehan started arguing about politics outside in the back yard. Ms. Day tried to diffuse the situation, but Mr. Sheehan would not let it go. Mr. Sheehan grabbed Ms. Day by the throat, hit her, and threw her to the ground. Mr. Robinson got between them and told Mr. Sheehan he needed to go home. Mr. Sheehan pulled out his gun, put it to Ms. Day’s head, and said he would kill her/shoot her. Mr. Robinson intervened again. Mr. Sheehan insulted Ms. Day repeatedly, and they both said “horrible, horrible things” to each other. After that, Ms. Day went inside, and Mr. Sheehan paced around outside before Mr. Robinson was finally able to convince Mr. Sheehan to leave. Before he left, Mr. Sheehan said that he would be back and that “this was not the end of it.” Mr. Robinson said that Mr. Sheehan never pointed the gun at him, but poked him at one point.

Ms. Day called her mother and told her what had happened. Her mother said that she called the police because Mr. Sheehan had put the gun to her head (her mother's head) again. Later at 10:14 p.m., Mr. Sheehan texted Ms. Day and said he was coming for her. After that, Ms. Day's mother texted her that Mr. Sheehan was going after her (Ms. Day) and going to her ex-husband's house to get her kids.

Ms. Day described about some of the history of animosity between her and her brother, and that he did not like her (Ms. Day). She said that Mr. Sheehan had been in the military and had been dishonorably discharged. Ms. Day said that he had overdosed before, was "bipolar," "very sick," needed "real help," and needed to be "locked up."

Ms. Day allowed the investigators to view her cell phone and text messages. There were text messages between Ms. Day, her mother Ms. Dion, and Mr. Sheehan that began on June 15, 2019, at 7:27 p.m. and ended at 12:43 a.m. on June 16, 2019. In those text messages, Ms. Dion expressed concern about Mr. Sheehan's behavior on June 15, 2019, including that he had put a gun to her head. Ms. Dion also expressed fear that Mr. Sheehan would harm Ms. Day and her family. Some of those text messages read as follows:

Text messages between Ms. Dion and Ms. Day beginning at 7:27 p.m. on June 15, 2019

Ms. Dion: Are you still talking with Mikey

Ms. Day: Yes

Ms. Dion: Has he calmed down abit

Ms. Day:

Nope

100000000 miles a min. Wont shut up

Ms. Dion:

Please please try to bite your tongue or else dad and I and the company [they had guests over] will surely pay. I am so sorry. He was in such a great mood. I love you

Text messages between Ms. Dion and Ms. Day beginning at 9:32 p.m. on June 15, 2019

Ms. Dion:

Dad called the police. It's the worst that has happened in years. I know that dam Sholene bought him licquoer [sic]. I apologise [sic] from the bottom of my heart

Ms. Day:

Well apparently hes [sic] coming here to kill me. Tell my girls I love them.
Whatever.

Ms. Dion:

You seriously need to go to a hotel. The cops think they talked him down...not please please take me seriously

Ms. Day:

I'm not leaving my house.

He's gonna f**kin pay for this

Ms. Dion:

Is Aaron ok? My heart is breaking. Had a gun to my head and was able to stand my ground and told him if it made him feel like a man then shoot away

Ms. Day:

Me too!
Aaron is pissed.
Cops are on their way here

Ms. Dion:

As he should be.

Ms. Day:

Put the gun to my head, tried to strangle me

Text messages between Ms. Dion and Ms. Day beginning at 11:25 p.m. on June 15, 2019

Ms. Dion: Shouleen, I tried calling her..I am blocked, she had her phone disconnected. Must be problems there too. He is on the phone right now. Spewing hatred and bull shit.

Non stop. He says he's on the way to your house and then to Kevins [Ms. Day's ex-husband]

He is on his way, close by. Stay away from Windows. Warn the cops he is on the way to do us in.

Call the police not Northfield. They didn't do anything. He is on his way to do all four of in and the dogs.

Text messages between Ms. Dion and Vanessa Day beginning at 12:18 a.m. on June 16, 2019

Ms. Dion: You need to call me

You can rest in peace, they killed Mikey as he was telling then [sic] he was on the phone with me.

Ms. Day What

Ms. Day showed the investigators a text message she received from Mr. Sheehan on June 15, 2019, at 10:14 p.m. In that text message, Mr. Sheehan threatened Ms. Day. That text message read as follows:

Mr. Sheehan: You shouldn't have f**ked with me. Your [sic] done.

4. Schuleen J. Moulton

State Police Detectives interviewed Schuleen Moulton on June 17, 2019.

Ms. Moulton told investigators that she has known Michael J. Sheehan, II, for about eight years. She said that she first met Mr. Sheehan when they were co-

workers and that they became romantically involved for a period, but had not been so recently and were just friends.

Ms. Moulton said that Mr. Sheehan had attempted suicide in the past and been to the New Hampshire Hospital three times. She described Mr. Sheehan as a “fighter” when he was angry and said he had “a quick temper and would punch the wall when he was angry.” As for substance abuse, Ms. Moulton told the investigators that Mr. Sheehan used marijuana and consumed alcohol and that she had tried to “curb his drinking habits.”

Ms. Moulton described Mr. Sheehan as “stable” in the weeks preceding the June 15, 2019 incident. She related how she had spent time with Mr. Sheehan on June 15, and gone shopping with him. He was wearing a two-tone silver handgun in a holster on his right hip at the time. During their time together, Mr. Sheehan drank two beers, was texting with someone, and appeared aggravated. After their shopping trip, Ms. Moulton dropped Mr. Sheehan off at his parents’ home in Northfield.

Later, Ms. Moulton realized that Mr. Sheehan had left behind the bag with the gifts he had purchased. She returned to Mr. Sheehan’s parents’ residence and when no one answered her knock on the door, hung the bag on the doorknob and left. Later Ms. Moulton received some texts from Mr. Sheehan, of no import. At approximately 7:30 p.m. though, Mr. Sheehan called Ms. Moulton and told her, “I have to go deal with this bullshit.” She did not know what he was referring to and did not hear from him again.

5. Belmont Police Chief Mark Lewandowski

Chief Lewandowski was interviewed on June 16, 2019.

On June 15, 2019, Chief Lewandowski, Belmont Police Sergeant Evan Boulanger and Belmont Police Officer Josh Landry responded to a call in Belmont where a female reported a gun had been pointed at her head. When the Chief arrived, the other two officers were already there speaking to a “very hysterical female.” This female (later identified as Vanessa Day) said that the other person involved in the incident was her brother, Michael Sheehan.

Ms. Day told the officers that she had had a male friend over to her house and they were having a campfire that night. Chief Lewandowski spoke with Ms. Day’s friend (Ed Robinson). Mr. Robinson confirmed what Ms. Day had said about the incident, including that Mr. Sheehan had punched his sister and strangled her. Mr. Robinson said he separated the two, but Mr. Sheehan went back after his sister, pulled a firearm out, pointed it at her head, and said that he was going to kill her. Mr. Robinson again intervened and pushed Mr. Sheehan toward his vehicle. Mr. Sheehan left his sister’s home after that.

Upon learning this information, the Belmont police put out a BOLO (be on the lookout) for Mr. Sheehan, asking that he be stopped in connection with a felony criminal threatening charge. In the meantime, Chief Lewandowski parked across the street from Ms. Day’s residence with his lights off since Mr. Sheehan had said he would return to his sister’s house. A short time later, Officer Landry radioed that Mr. Sheehan had messaged Ms. Day that he was on his way back to her house. As a result, Officer Patrick Riley was asked to go the police station to try to locate Mr. Sheehan by pinging his phone.

As Officer Riley was heading back to the police station, Officer Riley passed Mr. Sheehan and then turned and followed him. Officer Kloetz joined in with Officer Riley behind Mr. Sheehan. Chief Lewandowski instructed them not to make contact with Mr. Sheehan until they had enough officers. Chief Lewandowski then left Ms. Day's home to try to assist the other officers with intercepting Mr. Sheehan. As he was doing that, Chief Lewandowski heard Sergeant Boulanger join with Officers Riley and Kloetz, who then initiated the stop of Mr. Sheehan. A short time later, Chief Lewandowski heard Sergeant Boulanger yell over the radio that there were shots fired, suspect down. Chief Lewandowski called for an ambulance to go to the scene and arrived at the scene a minute or two later.

Once Chief Lewandowski arrived, he checked on the officers at the scene. Officer Kloetz had his medical bag with him and went to attend to Mr. Sheehan, who was found to be deceased. There was limited conversation between Chief Lewandowski and the officers as to what occurred. However, Sergeant Boulanger told Chief Lewandowski that Mr. Sheehan had been on his knees and then all of a sudden he just "sprung up," pulled a gun, and ran toward them with the gun. After that, the officers fired at Mr. Sheehan.

Chief Lewandowski was asked about any prior history with Mr. Sheehan. He said that approximately two to three years ago, Mr. Sheehan was the subject of an IEA (involuntary emergency admission). During that event, the police seized an

assault-style rifle and a handgun from Mr. Sheehan, which are still being held at the police department.²⁰

6. Belmont Police Sergeant Evan Boulanger

Sergeant Evan Boulanger was interviewed on June 19, 2019. Sergeant Boulanger has been with the Belmont Police Department since 2008. Prior to his tenure with the Belmont Police Department, Sergeant Boulanger worked as an officer for the Gilmanton Police Department in 2007. Before that, he served as a Marine Patrol Officer for two years. Sergeant Boulanger has attended various mandatory and voluntary police trainings during his law enforcement tenure, included annual use of force training. Sergeant Boulanger was also assigned to the regional SWAT team in 2016 for about two years as a K9 handler. He is still a K9 handler.

On June 15, 2019, Sergeant Boulanger was on duty for the Belmont Police Department and was working the 6:00 p.m. to 2:00 a.m. shift. He was wearing a full police uniform and driving a marked police cruiser. At a little after 10:00 p.m. on June 15, 2019, dispatch notified Sergeant Boulanger that a woman had received a threatening text message from her brother stating that he was going to kill her. Sergeant Boulanger assigned Officer Landry to that call and Officer Landry went to the woman's home in Belmont.

A short time later, Officer Landry called Sergeant Boulanger and told him that the woman (Vanessa Day) reported that Mr. Sheehan (her brother) had choked her and thrown her to the ground. Upon learning that, Sergeant Boulanger realized that

²⁰ The Chief said that Mr. Sheehan had tried to get his firearms back, but his request was refused.

the incident could result in second-degree assault charge (a felony). He then proceeded to the Day residence in Belmont.

Upon arrival, Sergeant Boulanger saw Officer Landry speaking with Vanessa Day.²¹ She told the officers that they (she, her friend Ed Robinson, and Mr. Sheehan) were in the back yard and that she got into an argument with Mr. Sheehan who grabbed her by the throat and body slammed her. As Sergeant Boulanger was speaking with Ms. Day, Belmont Police Chief Mark Lewandowski started pulling up to the house. Since it was a long driveway, it was not immediately apparent who was arriving, and Ms. Day became scared. She began crying, her hands were shaking, and she started to back up, saying, “Oh my God, is that him?” At that point, Sergeant Boulanger said he realized that Ms. Day was “terrified” of Mr. Sheehan; “there was some terror there.” Sergeant Boulanger reassured Ms. Day that the person who was arriving was a police officer.

After the officers calmed Ms. Day, they asked her to explain what had happened. She told them that after Mr. Sheehan body slammed her, he pulled out a gun and put it to her head. After speaking with her, Sergeant Boulanger and Chief Lewandowski spoke to Ms. Day’s friend, Edward Robinson. Mr. Robinson said that they had been in the backyard that night, just he, Mr. Sheehan and Ms. Day. Mr. Sheehan and Ms. Day got into an argument about “family politics,” and then Mr. Sheehan grabbed Ms. Day by the throat and threw her to the ground. Mr. Robinson stopped Mr. Sheehan and separated the two. Mr. Sheehan began pacing back and forth and then took out a black and chrome 9mm pistol and put it to Ms. Day’s head

²¹ It was apparent to the officers that Ms. Day had been consuming alcohol.

and said he was going to kill her. Mr. Robinson got between them and stopped things from going further. After receiving this information, Sergeant Boulanger asked his dispatch to put out an officer safety BOLO, due to the incident involving Mr. Sheehan, including that he was emotional and armed.

Sergeant Boulanger said that he was familiar with Mr. Sheehan at that time, having arrested him in the past for a DWI. He was also aware that the police department had possession of some of Mr. Sheehan's guns that had been taken in regards to an IEA issue. Sergeant Boulanger also knew that Mr. Sheehan had been trying to get those guns returned to him and that request had been denied.

After finishing his interviews with Ms. Day and Mr. Robinson, Sergeant Boulanger upgraded the BOLO to a stop and arrest for domestic violence, and possible reckless conduct and criminal threatening. After that BOLO went out, Sergeant Boulanger received a text from Belmont Police Officer Kristopher Kloetz at 11:09 p.m., stating that he had learned that the Northfield Police Department had dealt with Mr. Sheehan earlier that day involving an incident where Mr. Sheehan apparently fired off the gun in the house, "flipped out" on the residents, scared his parents, and "made statements that he's going out suicide by cop."²² Sergeant Boulanger told Officer Kloetz to make sure that dispatch was aware of that information for their BOLO. Sergeant Boulanger then assigned officers to check the area for Mr. Sheehan and left Ms. Day's residence to do the same.

²² Dispatch had a "caution" in their system prior to that night that anytime police responded to an incident involving Mr. Sheehan that two officers were to go and that Mr. Sheehan had previously mentioned suicide by cop.

While Sergeant Boulanger was out looking for Mr. Sheehan, an officer radioed that Ms. Day had received a text message from Mr. Sheehan stating he was coming back to the house to kill her. Sergeant Boulanger then asked Belmont Police Officer Patrick Riley to go to the police station to try to find Mr. Sheehan by locating his cell phone. A short time later, Officer Riley reported seeing Mr. Sheehan's vehicle on Route 140 heading toward Tilton. Sergeant Boulanger headed in that direction. Chief Lewandowski radioed that Officer Riley was to "back off" and wait for more police officers. Sergeant Boulanger understood that the intent was to wait for more police officers so that a "felony stop" could be used with Mr. Sheehan.²³

Sergeant Boulanger heard Officer Kristopher Kloetz announce that he was behind Officer Riley. Mr. Sheehan took an abrupt left turn onto South Road in Belmont. After that, Officer Riley announced that Mr. Sheehan was pulling over into a driveway. Sergeant Boulanger drove down South Road and stopped where Officers Riley and Kloetz were located at 98 South Road. Officer Riley and Kloetz's cruisers appeared to be taking up most of the road, apparently performing a felony stop. The cruisers' lights were on, but no sirens were on. Sergeant Boulanger parked behind Officer Riley's cruiser and described seeing Officers Riley and Kloetz standing inside their driver's doorways with their guns trained on Mr. Sheehan. Sergeant Boulanger could see Mr. Sheehan's vehicle parked about thirty to forty feet in front of the cruisers. Mr. Sheehan's door was open and he was down on his knees outside the

²³ A "felony stop" generally involves a potentially high-risk traffic stop by police officers, where the suspect is a potential danger and officers attempt to strictly control the situation through the display of weapons and commands.

vehicle within the doorway area, facing away from the officers with his hands either behind his head or up in the air.

Sergeant Boulanger moved to the passenger side door area of Officer Riley's cruiser and drew his department issued Glock 19 9mm handgun. He was in an exposed position with no cover. Sergeant Boulanger said that the area was well lit and he had good visibility of the area and Mr. Sheehan. Sergeant Boulanger heard another officer say, "he's got a gun." About a second or two later, Mr. Sheehan quickly took a gun off the holster on his hip, put the gun under his chin, and turned around facing the officers. The gun appeared to match the description of the gun Mr. Sheehan had earlier at Ms. Day's house. All the officers began yelling, "drop the gun, drop the gun, drop the gun!" Mr. Sheehan yelled something at the officers, but Sergeant Boulanger could not understand what Mr. Sheehan said. At that point, Mr. Sheehan began a "brisk walk" toward the officers, closing the gap between them in an "aggressive" fashion. Sergeant Boulanger and the other officers continued to shout commands at Mr. Sheehan, telling him to drop the gun. Sergeant Boulanger decided that he would only let Mr. Sheehan close to within half the distance of him and the other officers because it was obvious to him that Mr. Sheehan's intentions were not peaceful. Sergeant Boulanger felt that he was in danger and believed that if Mr. Sheehan got close to them, he was going to try to shoot one of them. Sergeant Boulanger thought that Mr. Sheehan could not see the officers because of their cruisers' spotlights and was using a strategy to get the officers to "delay," thereby

reducing the time the officers had to react so that he could closer to them and shoot them.²⁴

Mr. Sheehan did not obey the officers' commands and drop his gun; it remained under his chin as he advanced toward the officers. Mr. Sheehan also did not deviate from his path toward the officers; it seemed like Mr. Sheehan was "on a mission," and showed no emotion. As Mr. Sheehan got to about the halfway mark to the officers, Sergeant Boulanger heard a shot being fired, and then Sergeant Boulanger fired as well. Sergeant Boulanger did not know who fired the first shot. Mr. Sheehan fell facedown to the ground, with his head toward the cruisers. He was not flat on the ground; his arms and knees were under him with his knees folded underneath in a "somewhat downward dog position."²⁵ Sergeant Boulanger notified dispatch that shots had been fired and the suspect was "down." Sergeant Boulanger stated that he felt that Mr. Sheehan "forced" their hands.

After the shots were fired, Sergeant Boulanger and Officer Riley moved up to clear (ensure no one else was in) Mr. Sheehan's vehicle while Officer Kloetz provided cover. They checked the vehicle and saw no one else inside, but did see a rifle inside the vehicle. After that, the officers went into "medical mode." Officer Kloetz retrieved his medical bag while Sergeant Boulanger rolled Mr. Sheehan over onto his back. Sergeant Boulanger asked Officer Kloetz to kick Mr. Sheehan's gun away. Mr. Sheehan was checked for a pulse, but was deceased.

²⁴ Based on his training and experience Sergeant Boulanger was aware that as Mr. Sheehan got closer, Sergeant Boulanger would have less time to react to Mr. Sheehan.

²⁵ A "downward dog position" is a yoga position where the subject's head is positioned lower toward the ground with the back and buttocks angled up and elevated higher than the head.

7. Belmont Police Officer Kristopher Kloetz

Officer Kristopher Kloetz was interviewed on June 20, 2019. Officer Kloetz has worked for the Belmont Police Department since 2013, and currently holds the rank of Master Patrolman. Prior to working in Belmont, Officer Kloetz worked for the Gilford Police Department starting in 2007. Officer Kloetz was a SWAT member with the Belknap County Special Operations Group, and was a sniper with that group for approximately five years, from approximately 2011/2012 until approximately 2016. He is a firearms instructor for both rifle and pistol, the use of force instructor for Belmont Police Department, and an active shooter response instructor. Officer Kloetz's training includes action/reaction training.

On June 15, 2019, Officer Kloetz was working a regular patrol shift, from 4:00 p.m. until 2:00 a.m. Officer Kloetz was wearing his full patrol uniform, and was operating a fully marked patrol SUV. Officer Kloetz was carrying a Glock 19 9mm handgun on his right hip, and had an AR-15 semi-automatic rifle with him as well; he was qualified with both of those firearms.

Since it was the end of Bike Week, Officer Kloetz's focus during the beginning of his shift was motor vehicle enforcement. He heard over the radio that Officer Landry and Sergeant Boulanger had responded to a residence on Union Road in Belmont for a report of some sort of criminal threatening. Officer Kloetz initially did pay much attention to the call because he was not assigned to it, and his focus was on the motor vehicle enforcement he was doing. However, he did note that at one point Sergeant Boulanger came over the radio saying that the call may be a second-degree assault.

Officer Kloetz recalled that sometime after that call, a BOLO went out for Mr. Sheehan's vehicle. Dispatch relayed the registration of the vehicle to Officer Kloetz. Officer Kloetz initially had some difficulty pulling up the registration on his mobile data terminal, so he communicated with Belknap County dispatch to get some additional information that would help him pull up the right vehicle. At that point, Officer Kloetz learned that earlier that same day, Mr. Sheehan had been involved in some sort of an incident where he was armed, and possibly had fired a round inside of a building. Officer Kloetz also heard from Belknap County dispatch at some point that Mr. Sheehan wanted to "go out" via suicide by cop.

Officer Kloetz began looking for Mr. Sheehan's vehicle, and checked some addresses that Sergeant Boulanger asked him to check. Officer Kloetz was unable to locate Mr. Sheehan's vehicle, and Officer Kloetz eventually parked at the fire station and began watching motor vehicle traffic. At that time, he heard Officer Landry say over the radio that the victim at the residence on Union Road had just received a text message stating that Mr. Sheehan was on his way to Union Road. Officer Kloetz also heard at some point that Mr. Sheehan had threatened to kill his sister. Based on his familiarity with the area, Officer Kloetz identified two possible routes that Mr. Sheehan could take from his address in Northfield to Union Road in Belmont: either via South Road or Route 140.

Officer Kloetz drove from the fire station down Depot Street towards the area of Tilton/Northfield, and did not see any vehicles. When Officer Kloetz was in the area of the Lakes Region Coca-Cola bottling plant, he heard Officer Patrick Riley say that Mr. Sheehan's vehicle had just passed him (Officer Riley), and that the vehicle

was in the area Officer Kloetz had just travelled from. Officer Riley indicated that he was heading toward Officer Kloetz's direction, so Officer Kloetz stopped at the Coca-Cola plant. He then heard Chief Lewandowski come on the radio to try to coordinate more units.

Officer Kloetz began driving toward South Road, when he heard Officer Riley radio that Mr. Sheehan's vehicle had turned onto South Road. Officer Kloetz then caught up to Officer Riley, and was right behind Officer Riley's cruiser as they traveled down South Road. Neither officer had their emergency cruiser lights or sirens on. Mr. Sheehan's vehicle then took an abrupt turn into a driveway, which Officer Kloetz later learned was 98 South Road.

Officer Kloetz and Officer Riley activated their emergency lights. Officer Riley pulled in directly in line with Mr. Sheehan's vehicle, but at a distance, and Officer Kloetz pulled in directly to the left of Officer Riley. Officer Kloetz opened his driver's side door, and grabbed his patrol rifle. He worked the charging handle to insert a round in the chamber, and took a position inside the "V" created by the open door, with his rifle on the hood of his cruiser for stabilization. Officer Kloetz had a clear, unobstructed view of Mr. Sheehan's vehicle, and recalled that it was very well illuminated.

Officer Kloetz started giving Mr. Sheehan loud verbal commands to exit the vehicle. The driver's side front door of Mr. Sheehan's vehicle opened, and Mr. Sheehan stuck both of his hands out in an open manner. Mr. Sheehan yelled that he was on the phone with his mom. Officer Kloetz repeatedly requested that Mr. Sheehan exit the vehicle and walk backward to Officer Kloetz's location. Instead,

Mr. Sheehan got out and lowered himself straight down onto his knees just outside of the driver's side of his vehicle, facing away from officers. Mr. Sheehan put both hands on top of his head, and at that point, Officer Kloetz saw what appeared to be a holster on Mr. Sheehan's right hip. Officer Kloetz used the magnified optic of his rifle, and was able to see clearly that Mr. Sheehan had a pistol on his right hip, in a holster.

Officer Kloetz used his lapel microphone and radioed that Mr. Sheehan had a weapon; he wanted to make sure that Officer Riley and Sergeant Boulanger²⁶ were aware of Mr. Sheehan's firearm over all of the yelling, in case they did not see it. Officer Kloetz could hear the other officers yelling the same verbal commands for Mr. Sheehan to walk backward and keep his hands up, but Mr. Sheehan was not complying.

Mr. Sheehan then took his right hand from the top of his head, grabbed his pistol, and drew it from the holster. This was done very quickly and aggressively. Mr. Sheehan stood up rapidly, turning 180 degrees to face the officers, and put the pistol under his chin, with both hands holding the firearm. Mr. Sheehan began to aggressively charge toward the officers, with his posture leaned forward and taking very rapid, long strides. To Officer Kloetz, it looked like Mr. Sheehan was moving toward Officer Riley's cruiser. Officer Kloetz did not hear Mr. Sheehan saying anything as he advanced on the officers.

Officer Kloetz continued to give Mr. Sheehan loud verbal commands to drop the gun and get on the ground, but Mr. Sheehan did not comply and continued to

²⁶ Officer Kloetz recalled hearing over the radio at some point that Sergeant Boulanger had arrived.

charge forward. Officer Kloetz could also hear voices to his right, where Officer Riley was positioned, giving Mr. Sheehan similar verbal commands as well. Mr. Sheehan gave no indication of complying with the officers' commands; he did not pause or stop, and he kept his firearm positioned underneath his chin. Mr. Sheehan stayed looking straight ahead. Officer Kloetz felt that Mr. Sheehan could turn the pistol and direct it on the officers at any point, and that it could have happened quickly, in just a millisecond. Officer Kloetz felt an imminent threat of bodily harm was present to him or the other officers if Mr. Sheehan was to turn his weapon on the officers. At that time, Officer Kloetz chose to take the safety off his rifle and fire a round at Mr. Sheehan. He did not recall how many times he fired.

Officer Kloetz saw Mr. Sheehan fall go to the ground, falling straight forward with his hands underneath his torso. Officer Kloetz could not see where Mr. Sheehan's weapon went. Officer Kloetz engaged the safety on his rifle again. He heard Officer Riley and Sergeant Boulanger say that they were going to move forward and make sure there was no one else in Mr. Sheehan's vehicle. Officer Kloetz moved forward around the left side of his vehicle, and provided cover on Mr. Sheehan. As he was standing over Mr. Sheehan, Officer Kloetz noticed Mr. Sheehan's firearm to the left of Mr. Sheehan's upper torso, so Officer Kloetz reached down, grabbed the firearm, and tossed it away. He did not remember where he tossed it.

Sergeant Boulanger and Officer Riley indicated that Mr. Sheehan's vehicle was clear, and they started to come back to where Officer Kloetz was located. Officer Kloetz had some limited medical training from his SWAT experience, and he carried

a medical kit. He informed Sergeant Boulanger and Officer Riley that he was going to get his medical kit. Officer Kloetz requested medical aid from dispatch, and he heard dispatch say that medical aid was en-route. Officer Kloetz then ran back to his cruiser, retrieved his medical kit, and returned to Mr. Sheehan. At that point, Officer Riley and Sergeant Boulanger had rolled Mr. Sheehan over. Officer Kloetz began checking for signs of life, but could find none. Officer Riley indicated that Mr. Sheehan had penetrating trauma to his body, and that point Officer Kloetz ceased his medical assessment. Officer Kloetz checked with Sergeant Boulanger and Officer Riley to make sure no one was injured.

8. Belmont Police Officer Patrick Riley

Officer Patrick Riley was interviewed on June 20, 2019. Officer Riley has worked for the Belmont Police department since 2012, and currently holds the rank of Master Patrolman. Officer Riley worked for Marine Patrol from 2007 until 2012. Officer Riley is one of Belmont Police Department's firearms instructors, and he is also the department armorer, meaning that he is in charge of maintaining the weapons for the department. He has been a firearms instructor for approximately 1-2 years.

On June 15, 2019, Officer Riley was working the 10:00 p.m. to 2:00 a.m. DWI grant shift for the State, not a regular duty shift. He normally worked a 3:00 p.m. to 1:00 a.m. shift, but June 15 was an off day. Officer Riley was wearing a full uniform and was operating a fully marked SUV police cruiser. He was carrying a Glock 19 9mm handgun on his duty belt, and had a Stag Arms 5.56 (.223) caliber semi-automatic rifle with an optical scope. He was qualified with both of these firearms.

Officer Riley recalled that while he was working his DWI grant on June 15, 2019, he had been hearing over the radio that a situation was going on related to criminal threatening. He heard that Sergeant Boulanger and Officer Landry were investigating the incident, and that they were at the house where it had occurred. At one point Officer Riley asked if he needed to divert, and was told no. Officer Riley recalled that an “officer caution” BOLO had been put out because the suspect most likely had firearms in his vehicle or on his person. At this point, Officer Riley only had the suspect’s vehicle registration, which he ran and saw that the vehicle was registered to Mr. Sheehan.

Officer Riley recalled hearing that Mr. Sheehan was on his way back to the house, and Sergeant Boulanger asked Officer Riley to go back to the station and attempt to “ping” Mr. Sheehan’s phone. As Officer Riley recalled, he was on his way back to the station when he heard Officer Landry say over the radio that a woman had just received a message that Mr. Sheehan was on his way to the woman’s house on Union Road and was going to kill her.

As Officer Riley was driving back to the station on Route 140, he observed Mr. Sheehan’s vehicle pass him. He immediately called in the vehicle, and then turned around. Officer Riley did not turn on his cruiser’s emergency lights, because there was no traffic. Officer Riley lost sight of Mr. Sheehan’s vehicle and went to catch up with him, but kept his distance knowing that there could possibly be a firearm involved.

Officer Riley continued to follow Mr. Sheehan’s vehicle down Depot Street toward Tilton. Mr. Sheehan’s vehicle then turned onto South Road. Officer Kloetz

told Officer Riley on the radio that he (Officer Kloetz) was near the Coca-Cola plant, and Officer Riley told Officer Kloetz that they were on South Road. Officer Kloetz then caught up to Officer Riley on South Road.

Mr. Sheehan pulled into a driveway off South Road, and Officer Riley stopped in the road before the driveway. Officer Kloetz pulled up next to Officer Riley. Both officers turned on their cruiser's emergency lights at this point. Sergeant Boulanger had earlier radioed that a felony stop was to be executed on Mr. Sheehan's vehicle. Officer Riley exited his vehicle and grabbed his rifle, and loaded a round into the chamber. He stood behind his opened driver's door, with his rifle aimed at Mr. Sheehan's vehicle. Officer Riley had a clear, unobstructed view of Mr. Sheehan's vehicle.

Officer Kloetz and Officer Riley began loudly giving Mr. Sheehan verbal commands. At one point, Mr. Sheehan put his hands out the door, then back into the car, then back out. Mr. Sheehan then got out of the car and stood facing away from the officers. Officer Riley could see that Mr. Sheehan had a weapon in a holster on his right hip, and Officer Riley yelled to Officer Kloetz that Mr. Sheehan had a gun. Officer Kloetz and Officer Riley told Mr. Sheehan to start backing up toward them, but Mr. Sheehan instead kneeled down with his hands above his head. The officers²⁷ continued to give loud verbal commands for Mr. Sheehan to back up, which he ignored. At some point, either while he was still in the vehicle or shortly after getting

²⁷ Officer Riley was aware that Sergeant Boulanger arrived at some point, but did not know specifically when that was.

out, Mr. Sheehan said something about either calling his mother or being on the phone with his mother.

Mr. Sheehan then brought both hands down and removed his firearm from the holster with both hands. Mr. Sheehan stood up and held the firearm under his chin with both hands, and then started moving toward the officers at a pace faster than a walk, but not a run. Officer Kloetz and Officer Riley started giving Mr. Sheehan loud commands to drop the gun, which Mr. Sheehan did not do. Instead, he continued to approach the officers, facing toward them. Officer Riley could not hear Mr. Sheehan saying anything during this time. Mr. Sheehan seemed determined, and did not slow his pace or deviate to the right or left, or stop.

Mr. Sheehan was walking directly toward Officer Riley's cruiser. Officer Riley believed that Mr. Sheehan covered about half the distance between where he started and Officer Riley's cruiser, still with the firearm tucked under his chin. Officer Riley continued to give Mr. Sheehan loud verbal commands to stop and to drop the weapon; Officer Riley thought that Officer Kloetz may have been giving commands as well, but could not recall specifically. Mr. Sheehan did not comply and stop or drop his gun.

At about half the distance between where Mr. Sheehan started and Officer Riley's cruiser, Officer Riley fired his rifle at Mr. Sheehan. He could not recall how many times he fired, nor could he recall who fired first; however, Officer Riley recalled that everyone fired essentially simultaneously. When Mr. Sheehan reached that halfway point, Officer Riley was aware that Mr. Sheehan was very close and armed with a firearm. Officer Riley knew that Mr. Sheehan could turn the firearm on

the officers at any point in time, and that action is always faster than reaction. Officer Riley believed that if Mr. Sheehan had turned that firearm on the officers, they would not have been able to react fast enough to avoid possible death.

When Mr. Sheehan was shot, he fell forward on his stomach with his arms underneath his body, his head toward the officers and his feet toward his vehicle. Mr. Sheehan's firearm was off to his left side, which Officer Kloetz moved to the other side. All three officers moved up and Officer Kloetz secured Mr. Sheehan, while Sergeant Boulanger and Officer Riley approached Mr. Sheehan's vehicle to make sure no one else was in the car. No one else was in the car. At the passenger side front window, Sergeant Boulanger told Officer Riley that there was a rifle in the front seat of the car.

Sergeant Boulanger and Officer Riley then went over to Mr. Sheehan. Officer Riley began a sweep of Mr. Sheehan's body to see what injuries Mr. Sheehan had sustained. Officer Riley checked for a pulse, but Mr. Sheehan did not have one.

B. Physical Evidence

1. The Shooting Scene

The shooting scene was located in Belmont, New Hampshire on South Road at the intersection with the dirt driveway at 98 South Road. When the State Police Investigators arrived, there were three fully marked Belmont police cruisers parked in the road. A Ford SUV that belonged to Mr. Sheehan was parked approximately fifty feet away in the driveway to 98 South Road.

Mr. Sheehan's body was located between his SUV and the police cruisers, approximately twenty-five feet away from the closet cruiser. There was blood on the

ground with the body. Nearby was a black and silver Taurus Millennium 9mm semi-automatic pistol. That pistol was later searched and contained eleven live bullets, including one in the chamber. Mr. Sheehan was also wearing a pistol holster on his right hip.

During a search of Mr. Sheehan's SUV, two cell phones were located in the front compartment. A CMMG 6.5mm Creedmoor semi-automatic rifle with an optical scope was on the front passenger seat. That rifle contained twenty live bullets in the twenty round magazine. Another partially loaded magazine was also on the front passenger seat. In addition, there was a box of 9mm ammunition that contained sixty-five live rounds in it. That ammunition was compatible with the handgun Mr. Sheehan was carrying. Finally, there were two empty pistol 9mm magazines on the front seat as well, which were the same as the magazine in the handgun Mr. Sheehan was carrying on June 15, 2019. Ms. LaDuke confirmed that the rifle, rifle magazines, handgun magazines, and box of 9mm ammunition belonged to her. She believed that Mr. Sheehan took all those items from her home on June 15, 2019.

Several discharged cartridge casings were recovered at the shooting scene. Those consisted of four 9mm handgun casings and nine .223 (5.56) caliber rifle casings.²⁸ The location of those casings at the scene was consistent with the reported position of each Belmont police officer that fired his weapon that night.

Based on an examination of each of the officers' weapons, their interviews, and the recovered discharged cartridge casings from the scene, it appears that

²⁸ A fifth discharged 9mm casing was later found, but it was a different brand of ammunition from the other casings and appears unrelated to this incident.

Sergeant Boulanger fired four times during the incident, Officer Kloetz fired three times during the incident, and Officer Riley fired six times during the incident.

No other physical evidence of significance was recovered during the investigation.

2. Belmont Police Department Dispatch Log and Recordings

The Belmont Police Dispatch Logs were reviewed for June 15-16, 2019. The relevant excerpts from the June 15, 2019 log follow:

- | | |
|------------|---|
| 10:25 p.m. | The Belmont Police Department received a call from Vanessa Day regarding a criminal threatening incident at her home. |
| 10:56 p.m. | Belmont dispatch noted that Vanessa Day reported that Mr. Sheehan “has a firearm.” |
| 11:00 p.m. | A BOLO was requested for a stop and hold on Mr. Sheehan with caution as he has a firearm. |
| 11:11 p.m. | Belmont dispatch noted that they had received information from Belmont Police Officer Kristopher Kloetz that the Northfield Police Department had dealt with Mr. Sheehan earlier that day when he fired off a weapon at his residence “and mentioned suicide by cop.” |
| 11:34 p.m. | Belmont dispatch reported that Vanessa Day said she had received a text that Mr. Sheehan was on his way [to her house]. ²⁹ |
| 11:37 p.m. | Belmont Police Officer Patrick Riley reported sighting Mr. Sheehan on Depot Street in Belmont. |
| 11:38 p.m. | Officer Riley reported that Mr. Sheehan had taken a left onto South Road. |

²⁹ The text messages actually show that Ms. Day received a text message from her mother telling her that Mr. Sheehan was on his way to her house to “do all four in.”

- 11:39 p.m. Officer Riley advised that Mr. Sheehan was pulling over. Officer Kristopher Kloetz also reported being out with Officer Riley. Then, Officer Kloetz advised dispatch that “he has a weapon.”
- 11:40 p.m. Sergeant Evan Boulanger advised dispatch he was out at the scene. Next, Sergeant Boulanger reported, “Shots fired, suspect is down.”
- 11:41 p.m. Sergeant Boulanger requested an ambulance.

In addition to reviewing the Belmont dispatch logs, the dispatch recordings were also reviewed. Those recordings provided some additional level of detail, as follows:

<u>Time stamp on the recording</u>	<u>Content</u>
36:59	“He’s got a weapon.”
37:17 (18 seconds later)	“204. Shots fired. Suspect down, suspect down.”

C. Autopsy Results

Associate Medical Examiner Dr. Christine James completed Mr. Sheehan’s autopsy on June 16, 2019. During that autopsy, Mr. Sheehan was found to have eight gunshot wounds plus some shrapnel wounds. Five of the gunshot wounds were to the front of Mr. Sheehan’s body and three were to the back. The wounds were distributed as follows: left thigh; right thigh; left side of the neck; right upper chest; graze gunshot wound to the head with re-entry to back; right posterior shoulder; left mid back; and right side of the back. A separate wound to the back was classified as a gunshot/shrapnel wound. Mr. Sheehan also had multiple small bullet shrapnel wounds to the back. One wound was clearly a pistol wound and the rest appeared to be rifle wounds. None of the wounds was consistent with close-range gunfire.

A postmortem blood sample was taken from Mr. Sheehan and submitted for toxicological testing. Testing revealed that Mr. Sheehan had a blood alcohol concentration (BAC) of 0.138 at the time of his death. In addition, Mr. Sheehan had caffeine, cotinine (a nicotine metabolite), and THC and THC metabolites in his system.³⁰

Dr. James determined that Mr. Sheehan's cause of death was multiple gunshot wounds to the trunk, and the manner of death was homicide. As used by the Office of the Chief Medical Examiner, the term "homicide" is defined as the killing of one person by another.

D. Michael J. Sheehan, II's, Prior History and Criminal Record

Mr. Sheehan's prior history and criminal record were reviewed in order to gain information relevant to his actions, motives, and state of mind at the time of the incident.

Belmont police records were reviewed that recounted prior contacts with Mr. Sheehan. Those contacts consisted of three prior incidents, summarized as follows:

(1) June 24, 2015: Mr. Sheehan called to speak with a police officer and said he "is in a really bad place and is afraid he is going to do something he can't take back." Mr. Sheehan said that he was thinking of suicide with a shotgun.

(2) August 18, 2018: Mr. Sheehan called in to the police to complain about another driver who was operating recklessly. The police followed up on the complaint and spoke to Mr. Sheehan again several hours later. Mr. Sheehan was "agitated" and displeased with the police department's response. Mr. Sheehan said that "he would take matters into his own hands." He explained how he had pursued the other reckless driver "in order to catch up with him and would have shot him in the face if he caught him."

³⁰ THC is the primary active ingredient in marijuana.

(3) March 21, 2019: Mr. Sheehan called the police department complaining that the police were doing nothing to help his sister who had reported being stalked last week. Mr. Sheehan “mentioned there would be a body for the police to find if he gets involved.”

As of June 15, 2019, Mr. Sheehan also had several prior convictions, including: Use of Molotov Cocktail (Felony - 1997); Reckless Conduct (1997); Possession of Controlled Drug (2000); DWI - Second Offense (2011); Simple Assault (2014); Domestic Violence – Simple Assault (2016); and Criminal Threatening (2016).

E. Sergeant Evan Boulanger’s Prior Use of Deadly Force

Sergeant Evan Boulanger was involved in a prior officer involved use of force incident in Belmont.³¹ The facts from that prior incident are summarized as follows.

At approximately 2:45 p.m. on September 30, 2017, then-Corporal Evan Boulanger of the Belmont Police Department went to the Irving Service Station on Plummer Hill Road to get a bottle of water.³² As he was leaving the Irving Station, Corporal Boulanger ran the license plate of a Honda Accord parked adjacent to a gas pump, something Corporal Boulanger did routinely during his patrol shifts. The license plate came back to Ruby Lane, who Corporal Boulanger knew to be the estranged ex-girlfriend of an individual named Joseph Mazzitelli. Corporal Boulanger knew that Mr. Mazzitelli had an outstanding arrest warrant for harassment that stemmed from a recent incident where Mr. Mazzitelli allegedly fired a gun outside of Lane’s boyfriend’s home.

³¹ Sergeant Boulanger said that the prior incident was not in his mind during the June 15, 2019 incident. Regardless, the facts surrounding the prior incident were reviewed as part of this investigation.

³² The Irving Service Station also contains a Circle K convenience store.

Corporal Boulanger verified the existence of the warrant, approached Mr. Mazzitelli, and informed him that there was an active warrant for his arrest. While agitated, Mr. Mazzitelli complied with Corporal Boulanger's directions and submitted to a pat frisk. Mr. Mazzitelli asked Corporal Boulanger if he could smoke a cigarette and, trying to diffuse the situation, Corporal Boulanger granted his request. With Corporal Boulanger standing close behind him, Mr. Mazzitelli went to the front seat of his car and began reaching towards the glove box with his left hand. Corporal Boulanger became concerned when he saw that Mr. Mazzitelli was doing something with his right hand that Corporal Boulanger could not see. After Mr. Mazzitelli got out of the vehicle, Corporal Boulanger resolved not to allow Mr. Mazzitelli back into the vehicle.

Mr. Mazzitelli began smoking a cigarette near the rear portion of his vehicle. He was moving about excessively. Mr. Mazzitelli then walked to the rear driver side door and locked his car by reaching through an open window. As Corporal Boulanger tried to assure Mr. Mazzitelli that his car would be taken care of, Mr. Mazzitelli quickly moved toward the front driver side door of his vehicle. Corporal Boulanger gave chase and briefly struggled with Mr. Mazzitelli as he opened the door and leaned into the car. Realizing that he could not see Mr. Mazzitelli's hands and that he was in a vulnerable position, Corporal Boulanger backed away from the car toward his cruiser. Mr. Mazzitelli quickly emerged from the car with a gun pressed to his own head. Corporal Boulanger drew his duty weapon and ordered Mr. Mazzitelli to drop his gun.

With the gun to his head, Mr. Mazzitelli appeared to pull the trigger. The gun did not fire. Mr. Mazzitelli quickly brought the gun down to his waist and quickly chambered a round, apparently preparing to fire the gun. Corporal Boulanger believed that Mr. Mazzitelli was either going to shoot at him, or shoot himself. Corporal Boulanger was concerned not just for his own safety, but the safety of the private citizens at the crowded gas station. As Mr. Mazzitelli raised the gun a second time, Corporal Boulanger fired two rounds into Mr. Mazzitelli's torso. Mr. Mazzitelli also fired a single shot into the left side of his head, killing himself. After a full investigation by the New Hampshire Attorney General's Office, then Corporal Boulanger's use of force was found to be legally justified.

Based on a review of the facts surrounding Sergeant Boulanger's prior use of deadly force, it does not appear that incident played any significant role in the events of June 15, 2019.

F. Officer Patrick Riley's Prior Use of Deadly Force

Officer Patrick Riley was involved in a prior officer involved use of force incident in Belmont.³³ The facts from that prior incident are summarized as follows.

On October 28, 2016, Officer Patrick Riley of the Belmont Police Department was on patrol on South Road in Belmont. At approximately 1:30 a.m., Officer Riley spotted a car that was parked off the road. The car was running with its lights on. As Officer Riley approached the car, he illuminated it with his spotlight. The car then pulled out and started driving away. Officer Riley turned on his police cruiser's emergency lights and the car pulled over.

³³ The facts surrounding the prior incident were reviewed as part of this investigation.

Officer Riley went up to the car and spoke to the male driver, who was the only occupant of the vehicle. At first, the driver said he was waiting for his friend Hayden, but then eventually identified himself as Hayden Moon. Officer Riley learned from dispatch that there was an active arrest warrant for Mr. Moon. Officer Riley told Mr. Moon about the warrant and that he was under arrest. Mr. Moon asked Officer Riley to let him go. Officer Riley declined and opened Mr. Moon's car door to try to arrest him. In response, Mr. Moon put his car in "drive" and started driving away, dragging Officer Riley with him. Officer Riley was stuck between the car door and the car. He was dragged for what he estimated was one hundred feet, until he could get free. After becoming free of the vehicle, Officer Riley drew his police issued 9mm handgun, and fired five shots at Mr. Moon's car as he drove away. None of those shots hit Mr. Moon or his vehicle, which continued down the road.

Officer Riley notified dispatch as to what had occurred, and an investigation ensued. Since no one was injured by Officer Riley's use of force, the Belknap County Attorney's Office investigated the incident along with the New Hampshire State Police Major Crime Unit. Based on that investigation, the Belknap County Attorney concluded that Officer Riley's use of force was not legally justified; however, she declined to charge Officer Riley because she concluded that she could not disprove a justification defense, beyond a reasonable doubt.

Based on a review of the facts surrounding Officer Riley's prior use of deadly force, it does not appear that incident played any significant role in the events of June 15, 2019.

IV. APPLICABLE LAW AND LEGAL STANDARDS

New Hampshire's laws regarding self-defense, defense of others, and the use of physical force by law enforcement are set forth in RSA Chapter 627. Under RSA 627:5, II (a), a law enforcement officer, like a private citizen, is justified in using deadly force when he/she reasonably believes that such force is necessary to defend himself/herself or a third person from what he/she reasonably believes is the imminent use of deadly force. Under RSA 627:9, II, "deadly force" is defined as any assault which the actor commits with the purpose of causing or which the actor knows to create a substantial risk of causing death or serious bodily injury. Purposely firing a weapon capable of causing serious bodily injury or death in the direction of another person constitutes deadly force.

The phrase "reasonably believes" means that the actor "need not have been confronted with actual deadly peril, as long as he could reasonably believe the danger to be real." *State v. Gorham*, 120 N.H. 162, 163-64 (1980). The term "reasonable" "is determined by an objective standard." *State v. Leaf*, 137 N.H. 97, 99 (1993). Further, all the circumstances surrounding the incident should be considered in determining whether there was a reasonable belief that deadly force was necessary to defend oneself or another. *See id.* at 99; *Aldrich v. Wright*, 53 N.H. 398 (1873). The reasonableness standard also applies in a situation where a person who uses deadly force is mistaken about the situation or the necessity of using deadly force. Thus, either a private citizen or a police officer may still be justified in using deadly force if he/she reasonably believed that he/she was in imminent danger from the use of deadly

force by another, even if, in fact, they were not, so long as the actor's belief was objectively reasonable.

Moreover, when analyzing the reasonableness of an actor's use of deadly force, the inquiry must focus on the situation from the standpoint of a reasonable person facing the same situation. That examination cannot be made with the benefit of hindsight, which is afforded by one viewing the circumstances after the fact.

In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court discussed the standards by which a police officer's conduct would be judged when excessive force claims were brought against him. The Court confirmed that "[t]he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id.* The Court went on to explain how to determine what is reasonable in situations where police officers use force:

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

Id. at 396-97; *see also Ryburn v. Huff*, 132 S. Ct. 987, 992 (2010).

The Eleventh Federal Circuit has noted that:

The Supreme Court has emphasized that there is no precise test or 'magical on/off switch' to determine when an officer is justified in using excessive or deadly force. . . . Nor must every situation satisfy certain preconditions before deadly force can be used . . . Rather, the particular facts of each case must be analyzed to determine whether the force used was justified under the totality of the circumstances.

Garczynski v. Bradshaw, 573 F.3d 1158, 1166 (11th Cir. 2009) (citations omitted).

That is because "the law does not require perfection—it requires objective

reasonableness.” *Phillips v. Bradshaw*, No. 11-80002-CIV-MARRA, 2013 U.S. Dist. LEXIS 44646 *55-56 (S.D. Fla. March 28, 2013). Specifically, the law accounts for the often-fast moving nature of dangerous situations and the necessity of making decisions in less than ideal circumstances. *See Huff*, 132 S. Ct. at 991-92 (chastising lower circuit court for not “heed[ing] the District Court’s wise admonition that judges should be cautious about second-guessing a police officer’s assessment, made on the scene, of the danger presented by a particular situation.”).

V. ANALYSIS AND CONCLUSION

Based on all the facts and circumstances of this case, the Attorney General has concluded that Sergeant Evan Boulanger, Officer Kristopher Kloetz, and Officer Patrick Riley were faced with a dangerous situation when they initially encountered Michael J. Sheehan, II, in the roadway at 98 South Road in Belmont. Mr. Sheehan escalated the dangerousness of the situation by disobeying the officers’ repeated commands, taking out a handgun, and rapidly advancing on the officers. These factors caused those officers to reasonably conclude that they faced an imminent threat of deadly force from Mr. Sheehan, thereby prompting them to use deadly force against him in order to protect their lives and the lives of their fellow officers.

At the time Mr. Sheehan turned down South Road with the police behind him on June 15, 2019, he may have been concerned that his prior criminal record could result in prison time if caught by the police. Those concerns would have been reasonable since he had two firearms in the vehicle with him and, due to his prior felony conviction and/or his prior domestic violence conviction, he was likely prohibited from owning or possessing those firearms. In addition, Mr. Sheehan knew

that earlier that night he had assaulted his sister and threatened her and his mother using one of the guns in his vehicle. Therefore, in light of Mr. Sheehan's prior criminal record, the new crimes committed against his sister and mother, and the fact that he was in possession of two firearms on June 15, he was probably concerned that he was facing a prison sentence if captured by the police. That concern must have been heightened as he turned down South Road with the police behind him since Mr. Sheehan knew his parents had already called the police on him earlier that night and he believed his mother had done so again later on when he returned to his sister's home and saw police officers already there.³⁴ All of these factors may have played a role in Mr. Sheehan's decision to confront the police with a gun and refuse their orders that night on South Road.

Mr. Sheehan's intoxicated state of mind potentially also factored into his decision-making that night. At the time he confronted the police with a gun, his BAC was approximately 0.13.³⁵ Ms. LaDuke told investigators that while Mr. Sheehan could be the nicest person, "the slightest thing would happen" and he would be "your worst nightmare." Ms. LaDuke said that alcohol use by Mr. Sheehan usually preceded those events, and that if Mr. Sheehan drank "hard stuff" he "went instant homicidal."

³⁴ Mr. Sheehan had been on the phone with his mother shortly before he encountered the three Belmont officers and had accused her of calling the police on him. He was apparently referring to the fact that when he went to his sister's house a second time that night, ostensibly to carry out his threat to kill her, the police were already there.

³⁵ Per RSA 265-A:2, I, it is illegal for any person to drive a vehicle upon a way while such person has a blood alcohol concentration of 0.08. Mr. Sheehan's BAC at the time of his death was more than 1.5 times greater than 0.08.

It is apparent Mr. Sheehan knew there were police officers behind him as he drove down South Road because he said so to his mother while he was on the phone with her. Likewise, Mr. Sheehan must have known that it was the police who were behind him in the road after he pulled over, since those officers were in marked police cruisers with their police emergency lights on and wearing full police uniforms.

In light of Sergeant Boulanger, Officer Kloetz, and Officer Riley's individual and collective knowledge about the potential threat posed by Mr. Sheehan, those officers acted appropriately during their initial contact with him by conducting a felony stop. As previously mentioned, a felony stop generally involves a potentially high-risk traffic stop by police officers, where the suspect is a potential danger. During a felony stop, the officers attempt to strictly control the situation through the display of weapons and commands, which is what the three Belmont officers attempted with Mr. Sheehan. Once the officers were out of their cruisers in the road and behind Mr. Sheehan, they turned on their cruiser emergency lights and used their spotlights to brightly illuminate the area. That provided a clear view of Mr. Sheehan's vehicle and announced their presence to him. At the time, Mr. Sheehan was still on the phone with his mother and said there were "all kinds of cops," so he definitely recognized the men parked in the road behind him as police officers.

Once the Belmont officers were out of their cruisers and had their weapons and spotlights trained on Mr. Sheehan's vehicle, he was ordered out of his vehicle and walk backward to the officers' location. Mr. Sheehan partially complied with the commands and got out of his vehicle. However, he disregarded the command to walk backward toward the officers and instead, knelt on the ground just outside of the

driver's side of his vehicle, facing away from officers, with his hands on top of his head. It is unknown why Mr. Sheehan disobeyed the officer's command to walk backward to them and chose, instead, to stay within the doorway of his vehicle. It is possible that given Mr. Sheehan's prior conduct and threats that night, he wanted to stay within reach of the rifle he had on the front seat of his vehicle. It is also possible that Mr. Sheehan was stalling for time and trying to determine his next steps. His exact thought process is unclear, but what is clear is that when Mr. Sheehan decided to partially comply with the officers' commands and get out of his vehicle, he chose to do so while armed.

Mr. Sheehan had fired his handgun at least once earlier that night and used it on two separate occasions to physically threaten his mother and sister. Therefore, it is reasonable to conclude that he knew he had that gun on his hip when the officers ordered him to get out of his vehicle. Despite that knowledge, Mr. Sheehan chose not to leave his handgun behind as he stepped from his vehicle. Instead, the handgun was still in a holster on Mr. Sheehan's right hip as he exited his vehicle and knelt on the ground. As that happened, Officer Kloetz saw what appeared to be a holster on Mr. Sheehan's right hip. Officer Kloetz used the scope on his rifle and was able to see clearly that Mr. Sheehan had a pistol on his right hip, in a holster. Officer Kloetz then used his lapel microphone and radioed that Mr. Sheehan had a weapon; he wanted to make sure that Officer Riley and Sergeant Boulanger were aware of Mr. Sheehan's firearm over all of the yelling, in case they did not see it. Officer Kloetz could hear the other officers yelling the same verbal commands for Mr. Sheehan to walk backward and keep his hands up, but Mr. Sheehan was not complying. Instead, Mr.

Sheehan grabbed his handgun, drew it from the holster, put the gun under his chin with both hands and turned and faced the officers. This was all done very quickly and aggressively. Mr. Sheehan's drawing of his gun transformed an already dangerous situation into a "tense, uncertain and rapidly evolving situation," exactly the type of scenario that the *Graham* Court stated can often require officers to make split-second decisions about the use of force. This was especially so in light of all the information the Belmont officers had learned about Mr. Sheehan's activities and threatening behavior that preceded their encounter with him that night.

Despite the heightened imminent threat posed by Mr. Sheehan when he disobeyed the officers' commands and pulled out a gun, the Belmont officers did not fire at him. Instead, they attempted to maintain control over the situation by loudly and repeatedly ordering Mr. Sheehan to drop the gun and get on the ground.³⁶ Mr. Sheehan did nothing to diffuse the situation. On the contrary, he escalated it by walking rapidly toward the officers, still holding the gun under his chin with both hands. He never deviated from his course nor gave any indication that he would follow the officers' commands. Instead, Mr. Sheehan showed no emotion, seemed "determined" and as if he was "on a mission," as he continued to rapidly close the gap between him and the officers.

As Mr. Sheehan got about halfway from his vehicle to the officers, all three officers felt that Mr. Sheehan presented a risk of the imminent use of deadly force. Officer Riley described that he knew that Mr. Sheehan could turn the firearm on the

³⁶ Ms. Dion told the investigators that when she was on the phone with Mr. Sheehan, she heard "all the cops screaming get on the ground, get on the ground!"

officers at any point in time, and that action is always faster than reaction. Officer Riley believed that if Mr. Sheehan turned his firearm on the officers, they would not be able to react fast enough to avoid possible death. Officer Kloetz stated that he felt that Mr. Sheehan could turn the pistol and direct it on the officers at any point, and that it could have happened quickly, in just a millisecond. Officer Kloetz felt an imminent threat of bodily harm was present to him or the other officers if Mr. Sheehan was to turn his weapon on the officers. Sergeant Boulanger said that he decided that he would only let Mr. Sheehan close to within half the distance of him and the other officers because he said it was obvious to him that Mr. Sheehan's intentions were not peaceful. Sergeant Boulanger felt that he was in danger and believed that if Mr. Sheehan got close to them, he was going to try to shoot one of them. Sergeant Boulanger believed that Mr. Sheehan was using a strategy to get the officers to "delay," thereby reducing the time the officers had to react so that he could closer to them and shoot them.

The three officers' belief that Mr. Sheehan posed an imminent risk of deadly force was objectively reasonable considering all the circumstances known to the officers at the time. Those facts and circumstances included: that there had been a BOLO issued for Mr. Sheehan for officer safety; Mr. Sheehan was wanted for a criminal threatening charge (Sergeant Boulanger also knew that Mr. Sheehan was wanted for a domestic violence and reckless conduct charge); Mr. Sheehan had threatened to kill his sister; Mr. Sheehan reportedly had a gun (Sergeant Boulanger and Officer Kloetz had been told that Mr. Sheehan had possibly fired of the gun earlier); Mr. Sheehan texted his sister that he was on his way back to her house to kill

her (Officer Kloetz learned that Mr. Sheehan was on his way back and learned at some point that Mr. Sheehan had threatened to kill his sister); Mr. Sheehan had talked about suicide by cop (Sergeant Boulanger and Officer Kloetz knew this); Mr. Sheehan exited his vehicle wearing a handgun; Mr. Sheehan disregarded repeated commands from the officers upon exiting his vehicle; Mr. Sheehan took his gun out of its holster and held it in a risky fashion, i.e., a position that allowed him to quickly turn the gun on the officers; Mr. Sheehan rapidly advanced on the officers holding a firearm; and Mr. Sheehan ignored repeated commands to drop his firearm and get on the ground. Based on those facts and circumstances known to Sergeant Boulanger, Officer Kloetz, and Officer Riley at the time Mr. Sheehan advanced on them, it was reasonable for them to believe that Mr. Sheehan was about to use deadly force against one or all of them, prompting the officers to fire and fatally wound Mr. Sheehan.

The conclusions reached in this report are not solely dependent on the officers' accounts. Instead, there is significant corroborating evidence for the officers' accounts that lends to their credibility. For example, Mr. Sheehan's conduct as described by the three Belmont officers is consistent with Mr. Sheehan's apparent and expressed violent state of mind on June 15, 2019. Belmont police reports confirm that in prior interactions Mr. Sheehan had threatened violence and suicide. His girlfriend, Maegan LaDuke, confirmed that he had attempted suicide in the past and said that he told her that "the one way he was going to die" was to have the gun on him when the police pulled him over "because he couldn't shoot himself." The text messages between Ms. LaDuke and Mr. Sheehan in the hours before the shooting confirm his rage and homicidal intent that night. The text messages also confirm that

Mr. Sheehan did not plan to live out the night, since he told Ms. LaDuke that he would be “be gone soon” and that he would “take everyone that doesn’t deserve to live with me straight to hell.” Further evidence of Mr. Sheehan’s violent state of mind and intentions was evident from his interactions with his mother, Caroline Dion. Prior to the shooting, he expressed his rage at her and his sister, and held a gun to Ms. Dion’s head. Mr. Sheehan’s sister, Vanessa Day, likewise told the police how Mr. Sheehan had physically assaulted her, held a gun to her head, and threatened to kill her. All this information about Mr. Sheehan’s actions and statements prior to the shooting confirms that he was willing to threaten and commit physical violence and was likely to provoke the officers he encountered that night, just as the officers described.

The location of the officers’ discharged cartridge casings at the scene was consistent with their described positioning during the incident, meaning that Mr. Sheehan advanced on them and not the other way around. The officers described firing at Mr. Sheehan as he reached the halfway point from his vehicle to them, however Mr. Sheehan actually got closer than that to the officers. Based on the physical evidence at the scene and the location of Mr. Sheehan’s body, Mr. Sheehan was about twenty-five feet from the officers when they fired at him. That meant that Mr. Sheehan had crossed just over half of the distance from where he had started to where the officers were standing. Therefore, consistent with what the officers said, Mr. Sheehan had advanced on the officers and was very close to them when they fired. A loaded 9mm handgun with a live round chambered in it was found close to where Mr. Sheehan fell. That handgun was consistent with the one his mother and

sister described him having possession of earlier that night and used to threaten them, and is further evidence that Mr. Sheehan was armed as the officers said he was as he approached them. A visual examination of Mr. Sheehan's body at the shooting scene showed that his right hand was in a grip-like position, consistent with having just held a firearm as the officers' described.

The dispatch records confirmed the timing of events as described by the officers, as well as the contemporaneous report from Officer Kloetz that Mr. Sheehan had a gun.

Ms. Dion's statement to the investigator about being on the phone with Mr. Sheehan before the shooting and hearing the police officers in the background "screaming get on the ground, get on the ground," is consistent with the officers' accounts that they tried to control the situation and stop Mr. Sheehan from advancing on them.

The fact that three of Mr. Sheehan's wounds entered his body traveling front to back in his shoulder and at two locations on his back does not mean that the officers acted inappropriately and that their conduct was not legally justified. While Mr. Sheehan's gunshot wounds provide some evidence of his and the officers' positioning during portions of the shooting incident, they are not definitive evidence of their exact positions and movements during the entire incident. For example, it is not possible to determine from the medical evidence the exact order of all of the officers' shots, or the exact positioning or movements of the officers and Mr. Sheehan at all times based on the gunshot wounds themselves. Part of the reason for that is that human beings can move very quickly in response to each other and in response to

stimulus such as gunfire and gunshot wounds, which makes it more difficult to determine the parties' exact positioning during a shooting event. In addition, there was no other physical evidence in this case such as intermediate targets like a building, vehicle or object that the bullets passed through that might provide more evidence of the parties' exact positioning during the incident. Regardless, based on the officers' statements and Mr. Sheehan's wounds, it appears most likely that Mr. Sheehan was initially hit in the front of his body by gunfire, and then fell forward in a way that exposed his back and the back of his head to gunfire from the officers. This scenario would reasonably account for the wounds that were inflicted to Mr. Sheehan's shoulder and back, and the wounds' locations do not detract from the reasonableness of the officers' conduct.

The reasonableness of the officers' conduct is further supported by the fact that they did not immediately fire at Mr. Sheehan after he drew his gun outside his vehicle and turned toward them, disobeying their commands. Neither did the officers fire at Mr. Sheehan when he first started advancing on them. Instead, they attempted to diffuse the situation by loudly and repeatedly ordering Mr. Sheehan to stop and drop his gun. The officers held off on firing until Mr. Sheehan had advanced very close to them after showing no signs of stopping or dropping his gun.

Therefore, based on all the facts and circumstances known to Sergeant Evan Boulanger, Officer Kristopher Kloetz, and Officer Patrick Riley on June 15, 2019, it was reasonable for them to conclude that they faced an imminent threat of deadly force from Mr. Sheehan. Accordingly, Sergeant Evan Boulanger, Officer Kristopher Kloetz, and Officer Patrick Riley of the Belmont Police Department were legally

justified in using deadly force against Mr. Sheehan, and no criminal charges will be filed against those officers for shooting Mr. Sheehan.

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